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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

9° & 10° VICTORIÆ, 1846.

VOL. LXXXVIII.

COMPRISING THE PERIOD FROM

THE TWENTY-SEVENTH DAY OF JULY,

TO

THE TWENTY-EIGHTH DAY OF AUGUST, 1846.

Sixth and last Volume of the Session.

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1846.

TABLE OF CONTENTS

TO

VOLUME LXXXVIII.

THIRD SERIES.

I. Subjects of Debate in the House of Lords.
II. Subjects of Debate in the House of Commons.
III. Lists of Divisions.
IV. Protests.

I. Subjects of Debate in the House of Lords.

1846. *Page*

July 27. Irish Poor Law Committee—Report—Presentation of the Report of the Committee on the Irish Poor Law, &c. 1
Sugar Duties—Presentation of a Petition 4

28. Baths and Washhouses—Presentation of a Petition ... 104
Gauge of Railways Bill—The Second Reading of the Bill ... 105
Small Debts Bill—The Second Reading of the Bill ... 109

30. Railway Bills—Motion of the Earl of Clarendon, "That a Special Committee be appointed to whom the Suspended Railway Bills may be referred"—Motion agreed to 197
Gauge of Railways Bill—Motion of the Earl of Clarendon, "That the House do now go into Committee on this Bill"—Amendment of Lord Beaumont, "That the House go into Committee on the Bill this day Three Months"—Amendment negatived—Bill passed through Committee and reported 201

31. The Asiatic Cholera—Question 224
The Suspended Railway Bills—Report of Special Committee—Motion of the Earl of Clarendon, "That the Resolution of the House of the 7th of May last be suspended, so far as regards the Bill mentioned in the said Report," agreed to ... 228

1846. Page

July 31. Condition of Ireland—Motion of Lord Monteagle for "An Address to Her Majesty respecting the Employment of the People of Ireland"—Motion by Leave withdrawn 229

Aug. 3. Pensions—Infant Schools—Motion of Lord Brougham for the production of Papers—Motion agreed to 274
Case of the Earl of Dundonald—Presentation of a Petition ... 275
Baths and Washhouses—The Second Reading of the Bill ... 277
Small Debts Bill—House in Committee—All the Clauses, with verbal Amendments, agreed to 279

4. The Bishop of Exeter and Bishopstown Chapel—Explanation of the Earl of Radnor 331
Joint Stock Banks Bill—Question of the Earl of Eglinton—The First Reading of the Bill 337

6. Waste Lands (Australia) Bill—Questions—The Second Reading of the Bill 349
Poor Removal Bill—The Second Reading of the Bill ... 351

10. Sugar Duties—The First Reading of the Bill 467

11. Flogging in the Army—Presentation of Petitions ... 598
Independence of Cracow—Motion of Lord Beaumont for "An Address to Her Majesty for the production of Papers relating to Events which have recently taken place at Cracow, in violation of the Treaty of Vienna"—Motion amended, agreed to ... 602

13. Law of Arrest—Explanation 645
The Poor Law Commissioners—Motion for the production of Papers 649
Sugar Duties (No. 3) Bill—The Second Reading of the Bill moved by the Earl of Clarendon—Amendment of the Bishop of Oxford, "That this Bill be read a Second Time this day Three Months"—Amendment negatived—List of the Contents and Non-Contents 648

14. Flogging in the Army—The late Inquest—Presentation of a Petition 695
Railway Parcels—Presentation of a Petition 697
Infant Schools—Presentation of a Petition 699
Captain Warner's Invention—The Earl of Dundonald ... 700
Australian Waste Lands—The Second Reading of the Bill ... 700
The Poor Law Commissioners—Explanation 703
Law Reform—Explanation 705
Joint Stock Banks (Scotland and Ireland) Bill—The Third Reading of the Bill—Bill passed 706
College of Maynooth—Statement of Lord Redesdale respecting the First Report of a Visitation held at the College of Maynooth 747

20. Recent Law Appointments—Explanation of Lord Lyndhurst ... 893
British Possessions Bill—The Second Reading of the Bill ... 904

21. Death by Accidents Compensation Bill—On the Motion of Lord Campbell, the Commons' Amendments were considered and agreed to 926
Contagious Diseases Bill—Bill reported without Amendment ... 926

22. Lord Lyndhurst—Explanation 948

24. Lord Lyndhurst—Explanation 972

1846. Page
Aug. 24. Constabulary (Ireland) Bill—The Second Reading of the Bill ... 977

25. The Earl of Ripon's Explanation 995
Poor Employment (Ireland) Bill—House in Committee—Bill reported without Amendment 999

26. Constabulary (Ireland) Bill—The Third Reading of the Bill—Bill passed 1021

27. Small Debts Bill—Presentation of a Petition—Commons' Amendment, and also Amendment of the Lord Chancellor, considered and agreed to 1056
Railways Commissioners Bill—The Third Reading of the Bill—Bill passed 1057
Distress in Ireland—Statement of the Earl of Roden, relative to the Distress in Ireland 1057

28. The Prorogation of Parliament — Speech of The Lords' Commissioners 1061

II. Subjects of Debate in the House of Commons.

July 27. Court of Common Pleas—Question 28
Courts of Law (Scotland)—Question 28
Provisions for Ireland—Question 29
Ways and Means—Sugar Duties—On the Motion, "That the Order of the Day for House going into Committee of Ways and Means be read"—Amendment of Lord George Bentinck, "To leave out from the word 'That' to the end of the Question, in order to add the words 'In the present state of the Sugar Cultivation,'" &c.—Debate adjourned 32

28. South Australia—Question 113
Ways and Means—Sugar Duties—Adjourned Debate on Lord G. Bentinck's Amendment to the Order of the Day being read, for the House to go into a Committee of Ways and Means—Motion negatived—Division Lists, &c. 114

29. Charitable Trusts Bill—Motion of Mr. Hume, "That the Speaker do leave the Chair for the House to go into Committee on the Charitable Trusts Bill"—Amendment of Sir R. H. Inglis, "That the House do resolve itself into a Committee on this Bill on that day Six Months"—Motion negatived—Bill put off for Six Months 184
Art Unions—Motion of Mr. Wyse, "That the Art Unions Bill be recommitted"—Amendment of Mr. Goulburn, "That the Bill be recommitted that day Three Months"—Amendment negatived—Bill recommitted and reported 187
Episcopal Revenues—Motion for Leave to bring in a Bill—Leave given—The First Reading of the Bill 197

30. Dismissed Magistrates (Ireland)—Question 203
Correspondence of Magistrates—Motion of Mr. Christie for an Address to Her Majesty for the production of Papers—Motion agreed to 204

1846. Page
July 30. Poor Removal Bill—The Third Reading of the Bill—Clauses as proposed to be added to the Bill by Mr. Bankes and Mr. P. Scrope, negatived—Division Lists, &c. 204
Joint Stock Banks (Scotland and Ireland) Bill—House in Committee—Clause 1 objected to—Division Lists, &c.—Bill passed through Committee 217

31. Corporal Punishment—Explanation 243
Railway Legislation—Question 245
Ways and Means—Sugar Duties—House in Committee—Resolutions as proposed by the Chancellor of the Exchequer, agreed to—Report to be brought up 245
Naval Courts Martial—Explanation 271

Aug. 3. Evidence before Committees—Question 282
Landlord and Tenant (Ireland)—Question 282
The Bishoprics of St. Asaph and Bangor—Question and Explanation 285
Ways and Means—Sugar Duties—Report of the Committee of Ways and Means on the Sugar Duties brought up—Resolutions agreed to 287
Army Enlistment—On the Motion, "That the Order of the Day for going into Committee of Supply be read"—Amendment of Captain Layard for an Address to Her Majesty, relative to the shortening of the period of Service in the Army—Amendment withdrawn—Main Question agreed to 288
The Carnival at Malta—Order of the Day for House going into Committee of Supply read—On Question, "That the Speaker do now leave the Chair"—Amendment of Mr. Hume, "To leave out from the word 'That' to the end of the Question, in order to add the words, 'That in the opinion of this House,'" &c.—Amendment negatived—Division Lists, &c. ... 318
Increased Expenditure—Explanation of Mr. W. Williams—House in Committee 331

4. Cheshire Returning Officer—The Second and Third Readings, &c. of the Bill 340
Flogging in Hong-Kong—Question 340
Tenants of Trinity College, Dublin—Question 341
Westminster Improvement—Question 341
Tobacco Duties—Resolution as moved by Dr. Bowring, "That the State of the Tobacco Duties require the Revision of Parliament, with a view to their early Reduction"—House counted out 342

5. Public Cemeteries Bill—Motion of Mr. Mackinnon for the Second Reading of the Bill—Motion withdrawn 343
Bankruptcy and Insolvency Bill—Motion of Mr. Bouverie for House going into Committee, withdrawn ... 345
Waste Lands (Ireland) Bill—Withdrawal of the Bill ... 346
Episcopal Revenues and Diocese Bill—Order for the Second Reading of the Bill, discharged 346
Sites for Dwellings for the Poor—Motion of Viscount Morpeth for Leave to bring in a Bill—Leave given—The First Reading of the Bill 347

6. Deccan Prize Money—Question 358
Quarantine Regulations 359
Religious Opinions Bill—Motion of Lord J. Russell for the Second Reading of the Bill—Amendment of Mr. Escott, "That

the Bill be read a Second Time that day Three Months"—Amendment negatived—Division Lists, &c.—The Second Reading of the Bill 360

Aug. 6. Colonial Office—Question 366
Spirit Licenses and Duties Bill—The Third Reading of the Bill—To be reprinted with Amendments—Further Proceedings on the Bill adjourned 367
Gauge of Railways Bill—House in Committee—Bill passed through Committee—Report ordered to be received ... 368
Payment of the Irish Constabulary—Motion for Leave to bring in a Bill 370

7. The Wellington Statue—Question 372
Arms (Ireland) Act—Question 373
Flogging in the Army—Explanation of Lord J. Russell on moving, "That the Order of the Day for the Committee of Supply be now read"—Amendment of Dr. Bowring, "That in the opinion of this House, the Punishment of Flogging in the Army ought to be immediately abolished"—Amendment negatived—Division Lists, &c.—Main Question agreed to—Order read—On the Motion, "That Mr. Speaker do now leave the Chair"—Amendment of Mr. B. Osborne, "To limit the infliction of Corporal Punishment on any Private Soldier, Corporal, or Non-commissioned Officer in the Army or Militia, to Offences committed on a line of March, Mutiny, or Theft, only, and for restricting the number of Lashes to Fifty"—Main Question agreed to—Supply considered in Committee—House resumed—Committee to sit again 374

8. Sites for Dwellings—Second Reading of the Bill—On the Motion of Lord Morpeth deferred for One Month 463
Constabulary (Ireland)—House in Committee 464
Sugar Duties—The Third Reading of the Bill 465
The New Corn Law—Explanation 465

10. Private Business—Resolutions relating to the Mode of transacting Private Business, as moved by Mr. Hume, agreed to ... 546
Navigation of the Shannon—Question 547
Milbank Prison—On the Motion, "That the Order of the Day for the Committee of Supply be now read"—Amendment of Mr. T. Duncombe, "For the appointment of a Select Committee, to inquire into the Treatment of Prisoners confined since October, 1843, in the Milbank Prison, &c."—Amendment withdrawn 548
Board of Ordnance—Motion of Mr. Hume, "For the Appointment of a Select Committee to inquire into the Conduct of the Board of Ordnance, in their refusing to inquire into alleged Malversation of the Public Stores by Officers of that Department," &c.—Motion withdrawn. 557
Military Pensions—On Question, "That the Speaker do now leave the Chair for House to go into Committee of Supply"—Amendment of Captain Layard, "That in the opinion of this House the Pensions paid to Non-commissioned Officers and Privates of the Army, should be paid without Fee or Deduction whatsoever"—Amendment withdrawn—House in Committee of Supply 560
Sugar Duties—Annual Votes—Question 565
Customs Duties—Duty on Rum—House in Committee ... 566
Arms (Ireland) Bill—On Question, "That the Arms (Ireland) Bill be now read a Second Time"—Amendment of Mr. Hume,

1846. Page

"That the Bill be read a Second Time that day Month"—Amendment negatived—Division Lists, &c.—The Second Reading of the Bill 575

Aug. 10. Constabulary (Ireland)—Resolution to provide for the Constabulary of Ireland out of the Consolidated Fund, reported and agreed to 597
Sunday Trading—The First Reading of a Bill to prevent Sunday Trading, moved by Mr. Hindley—House counted out ... 598

11. Naval Courts Martial—Question 622
Railway Legislation—Question 623
Deodands Abolition (No. 2) Bill—The Third Reading of the Bill—On the Motion, "That the Bill do pass"—Amendment of Mr. S. Wortley, "For the Appointment of a Committee to consider the Present State of the Law of Deodands, &c."—Amendment negatived—Division Lists, &c.—Bill passed 624
Labourers for the West Indies—Question 628
The Game Laws—The House counted out 629

12. Smoke Prohibition Bill—The Second Reading of the Bill deferred for One Month 629
Religious Opinions Relief Bill—House in Committee—Amendment in Clause 3, proposed by Mr. Escott—Amendment negatived—Division Lists, &c.—Bill passed through Committee ... 630
Railway Gauge Bill—The Third Reading of the Bill—Clause as proposed to be added to the Bill by Mr. Muntz, objected to—List of Division, &c.—Bill passed 638
Ejectments (Ireland)—Bill passed through Committee ... 643

13. British Possessions Bill—Bill passed through Committee ... 678
Iron War Steamers—Question 684
Corporal Punishment in the Army—Motion of Mr. Escott, "For the production of certain Returns relating to Persons flogged in the Army in Great Britain and Ireland, in the years 1845 and 1846, &c."—Motion, as amended by Mr. Fox Maule, agreed to 685

14. Laws of the Channel Islands—Question 708
Ecclesiastical Superiors—Question 708
Milbank Penitentiary—Question 711
The Colonies—Explanation 714
Admission to Public Institutions on Sundays—Motion of Mr. Hume, "For opening the British Museum, the National Gallery, and all similar Public Institutions on Sundays and on Holidays, at such hours after Morning Service as Ginshops and Public Houses are open"—Motion withdrawn 717
Supply (Ireland)—House in Committee 725
Supply—Buckingham Palace—On the Question, "That 20,000*l.* be granted for enlarging and improving Buckingham Palace"—Amendment of Mr. Hume, "That the Vote be reduced to 5,000*l.*, the sum necessary to repair the Damage done to the Palace by the recent Storm"—Amendment negatived—Division Lists, &c. 726
The New Corn Law—Motion of Mr. Villiers, "That this House do resolve itself into a Committee of the whole House to consider the Laws regulating the Duty on Rye, Peas, and Beans"—Motion withdrawn 733
Government of New Zealand—Motion for Leave to bring in a Bill—Motion agreed to—The First Reading of the Bill ... 737

1846. Page

Aug. 15. British Possessions Bill—On the Question, "That the British Possessions Bill be read a Third Time"—Amendment of Lord G. Bentinck, "That the Bill be read a Third Time that day Three Months"—Amendment negatived—Division Lists, &c. —The Third Reading of the Bill—Bill passed ... 738

17. Provision for Lady Sale—Question 751
Cruelty of the Troops in India—Question 752
Arms Bill (Ireland)—Bill withdrawn 753
The Wellington Statue—Question 755
Flogging in the Army—Question 757
Appointment of Magistrates—Question 760
Distress in Ireland—Measures of Relief—House in Committee—Resolutions of the Government, as moved by Lord J. Russell, relating to the granting of certain Sums out of the Consolidated Fund of the United Kingdom, by way of Grant and Loan, for Public Works for the Relief of Distress in Ireland—Resolutions agreed to 766
Carrying Trade with the Spanish Colonies—On Question, "That the Order of the Day for a Committee of Supply be read"—Statement of Lord G. Bentinck, respecting the State of the Carrying Trade between this Country and the Spanish Colonies —Order of the Day read 799
The Occupation of Cracow—On the Question, "That the Speaker do now leave the Chair for the House to go into Committee of Supply"—Amendment of Mr. Hume for "An Address to Her Majesty for the production of Correspondence between the Government of Her Majesty and the Government of Cracow, Russia, Prussia, or Austria, relative to the Appointment of a British Consular Agent at Cracow, &c."—Motion withdrawn ... 815
Supply—Retirement for Naval Officers—House in Committee ... 838

18. Railway Legislation—The First Resolution of the Select Committee on Railways, as moved by Mr. Morrison, agreed to—Remainder of the Resolutions withdrawn 849
Chief Justiceship of Bombay—Appointment of Mr. D. Pollock—On the Motion for reading the Order of the Day for a Committee on the Small Debts Bill—Statement of Lord G. Bentinck respecting the Appointment of Mr. D. Pollock to the Chief Justiceship of Bombay—Order of the Day read—Bill passed through Committee 849
Manning the Navy—Order of the Day for bringing up the Report of Supply, read—Report agreed to 873

19. The Chief Justiceship of India—Explanation of Lord G. Bentinck 875
Constabulary (Ireland) Bill—Motion of Mr. Labouchere for the Second Reading of the Bill—Amendment of Mr. T. Duncombe, "That the Second Reading be postponed for a Week"—Amendment withdrawn—The Second Reading of the Bill ... 876
Claims of the Army—Motion of Sir De Lacy Evans "For a Committee to consider of an Address to Her Majesty relative to the awarding of adequate Rewards to the Army, commensurate with the important Boon now at length proposed by Government to be granted to the Navy," &c.—Motion withdrawn ... 879
Railway Commissioners—Motion of the Chancellor of the Exchequer for Leave to bring in a Bill—Leave given—The First Reading of the Bill 891

20. Customs Duties Bill—The Third Reading of the Bill ... 908

1846. Page

Aug. 20. Small Debts Bill—House in Committee—On Clause 9—Amendment of Mr. Wakley, "That Attorneys be eligible for the Office of Judge in these Courts"—Amendment negatived—Division Lists, &c.—Amendment of Colonel T. Wood, "That the Judges shall cease to practise as Barristers when they accept Office"—Amendment negatived—Division Lists, &c.—Clause as originally proposed agreed to 925

21. Railway Commissioners—On Question, "That the House resolve itself into a Committee on the Railway Commissioners Bill"—Amendment moved, "That the Speaker do not leave the Chair"—Amendment negatived—House in Committee—Bill passed through Committee, and ordered to be Reported ... 929

Patent Commission Bill—On the Motion of the Attorney General, "That this Bill be read a Second Time"—Explanation of Lord G. Bentinck relating to the Chief Justiceship of Bombay—The Second Reading of the Bill 936

Small Debts Bill—House in Committee—Clause 19 and the remaining Clauses agreed to—Bill to be Reported ... 947

22. Constabulary (Ireland) Bill—The Third Reading of the Bill ... 954

The Post Office—Motion of Mr. T. Duncombe, "For an Address to Her Majesty, for the Appointment of a Commission to Inquire into the Administration of the Post Office, especially into the Complaint of Thomas Mitchell," &c.—Motion withdrawn ... 955

The Waste Lands (Australia) Bill—Bill passed through Committee 962

24. Mexico—Statement of Lord G. Bentinck respecting the Present State of Affairs between the United States of America and Mexico 978

25. The Poor Law Commissioners—Resolution as moved by Mr. Hume, relating to the Conduct of the Poor Law Commissioners, ultimately withdrawn 1009

Distress in Mayo—On the Motion, "That the Order of the Day be read"—Statement of Mr. D. Browne, relative to the Distress in the County of Mayo—Order of the Day read ... 1016

Small Debts Bill—The Third Reading of the Bill—Bill passed ... 1020

26. Trade with Turkey—Question 1022

The Haydock Lodge Lunatic Asylum—Motion of Mr. Wakley, "For an Address to Her Majesty, praying for the Appointment of a Commission to Inquire into the Management of the Haydock Lodge Asylum"—Motion withdrawn 1023

28. Poor Laws—Question 1064

The Andover Witnesses—Question 1065

PROROGATION OF PARLIAMENT 1065

III. LISTS OF DIVISIONS.

The Ayes and the Noes on Lord G. Bentinck's Amendment to the Order of the Day being read, for the House to go into a Committee of Ways and Means on the Sugar Duties ... 180

The Ayes and the Noes on the Question, "That the Clause proposed to be added to the Poor Removal Bill" by Mr. G. Bankes, be read a Second Time 214

1846. Page

The Ayes and the Noes on the Question, "That the Poor Removal Bill do pass" 216

The Ayes and the Noes on the Question, "That Clause 1 stand part of the Joint Stock Banks (Scotland and Ireland) Bill" ... 223

The Ayes and the Noes on Mr. Hume's Amendment to the Question, "That the Speaker do now leave the Chair for the House to go into Committee of Supply" 330

The Ayes and the Noes on Mr. Escott's Amendment to the Second Reading of the Religious Opinions Bill 365

The Ayes and the Noes on Dr. Bowring's Amendment to the Motion of Lord J. Russell relating to Flogging in the Army, "That the Order of the Day for the House going into Committee of Supply be read" ... ...

The Ayes and the Noes on Mr. Hume's Amendment to the Second Reading of the Arms (Ireland) Bill 594

The Ayes and the Noes on Mr. S. Wortley's Amendment to the Motion, "That the Deodands Abolition (No. 2) Bill do pass" 627

The Ayes and the Noes on Mr. Escott's Amendment to Clause 3 of the Religious Opinions Relief Bill 633

The Ayes and the Noes on the Motion of Mr. Muntz, to add a certain Clause to the Railway Gauge Bill 643

The Contents and Non-Contents on the Bishop of Oxford's Amendment to the Second Reading of the Sugar Duties (No. 3) Bill 673

The Ayes and the Noes on Mr. Hume's Amendment to the Question, "That 20,000*l.* be granted for Enlarging and Improving Buckingham Palace" 733

The Ayes and the Noes on Lord G. Bentinck's Amendment to the Third Reading of the British Possessions Bill 747

The Ayes and the Noes on Mr. Wakley's Amendment to Clause 9 of the Small Debts Bill 924

The Ayes and the Noes on Col. T. Wood's Amendment to Clause 9 of the Small Debts Bill 925

IV. PROTESTS.

Against the Second Reading of the Sugar Duties Bill ... 674

Against the Third Reading of the Scottish Joint Stock Banks Bill 706

Against the Third Reading of the Constabulary (Ireland) Bill ... 1021

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE *FIFTH SESSION* OF THE *FOURTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN*
AND *IRELAND*, APPOINTED TO MEET 11 NOVEMBER, 1841,
AND FROM THENCE CONTINUED TILL 22 JANUARY, 1846, IN THE
NINTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SIXTH AND LAST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Monday, July 27, 1846.

MINUTES.] PUBLIC BILLS.—1ª. Australian Agricultural Company; Baths and Washhouses.

Received the Royal Assent. Viscount Hardinge's Annuity; Lord Gough's Annuity; Corresponding Societies; Western Australia; Coalwhippers; Spitalfields New Street; Coroners (Ireland).

PETITIONS PRESENTED. From Ratepayers of the Parish of Damerham South, for Repeal of Lunatics Act and Lunatic Asylums and Pauper Lunatics Act.—By the Earl of St. Germans, from Town Council of the Borough of Faversham, in favour of the Small Debts Bill.

IRISH POOR LAW COMMITTEE—REPORT.

THE EARL OF CLANCARTY said, he had been directed by the Committee appointed by their Lordships to inquire into the operation of the Irish Poor Law, and of the laws for the Medical Relief of the Sick Poor of Ireland, to present their Report upon the subjects that had been referred to them, and should take this opportunity of expressing to noble Lords opposite, his earnest hope that the very important subjects referred to in the report might receive the early attention of Her Majesty's Government. Whatever difficulties had been considered as attendant upon the government of Ireland, and whatever differences of opinion had been supposed to exist as to the policy by which those difficulties should be dealt with—whether by the policy of coercion, or that of conciliation; or, what had never yet been consistently followed out, the policy of impartial justice—there could be no second opinion as to the existence of a state of suffering and wretchedness among the lower classes of the Irish population, which required the earliest attention of Parliament. He did not mean to convey to their Lordships that this state of things was peculiar to the present day: it might, indeed, have been aggravated by the late failure of the potato crop, and by the progressive increase of the population; but the repeated inquiries which had taken place into the condition of the poorer classes of the Irish, and which had established the fact of great destitution, without leading to any practical result, had happily caused public opinion to be strongly pronounced upon the subject. Doubts had been expressed by some, whether the inquiries that had taken place were ever intended to lead to any practical result—whether inquiry were not, in fact, merely the same thing as postponement. He trusted that the inquiry that had now closed would not be of this character. He was impressed with the belief that Her Majesty's late Government, in consenting to the appointment of the Committee over which he had had the honour of presiding, were animated with the desire of endeavouring to ameliorate the condition of the poor of Ireland, as far as the same might be effected through the instrumentality of an efficient Poor Law. He trusted that in the present Ministry there would not be found a disposition less favourable to carry out the principles of a law which originated with themselves, and for which they were properly responsible. At the same time he was far from thinking that the Poor Law and other acts into which inquiry had just been made, could alone be a panacea for the evils that afflicted Ireland. Other measures, and upon which greater differences of opinion might be found to prevail, were also necessary. There was also a necessity for the exercise of great administrative capacity, and for co-operation between the local Government and all who had stake or property in the country: and he would take this opportunity of observing, that it was not less the duty of the Government to seek that co-operation from the gentry of the country, than it was that of all who had stake or property in the country to afford it. But, although the Poor Law could not effect everything, it might, he conceived, smooth the way to the general improvement of the country; for, circumstanced as Ireland was, it was essential not only that adequate provision should be made for the destitute poor, but that the country, and especially the industrious classes, should be relieved of the pressure of mendicancy; that facilities should be afforded for the voluntary emigration of the poor from districts where the labour-market was over-supplied; and that provision should be made by which, in sickness, the poor and industrious might by timely and effective care be saved from falling into destitution. These were objects for which Parliament designed to provide, but which the existing laws had failed of accomplishing. And, should Her Majesty's present Ministers seriously set about rendering the laws effective for these objects, should the amelioration of the social and physical condition of the Irish population receive the consideration of the Government, he might assure them that they would not only deserve, but receive, the support and approbation of all that was respectable in the country. In moving that the Report be printed, with the Minutes of evidence and appendices, he took the opportunity of expressing his obligation to the many public bodies and private individuals who, by their communications, had endeavoured to assist him in the progress of the inquiry. He had felt thus cheered by feeling that the opinion of the public was favourable to the objects he had in view. To the members of the medical profession more especially, he felt obliged for the assistance they had afforded.

SUGAR DUTIES.

Lord BROUGHAM said, in pursuance of the notice he had given last week, he now had the honour, and he reckoned it no small one, of presenting to their Lordships a petition from one of the most venerable individuals at present left on the earth—he meant Thomas Clarkson. He petitioned the House as the President of the British and Foreign Anti-Slavery Society, and the petition could therefore be received only as that of an individual; but to him (Lord Brougham), who knew the man, and to all of their Lordships who were acquainted with Thomas Clarkson's great exertions and performances in the cause of justice and humanity and sound policy, he would venture to say, that although the petition came from an individual, yet it would have the same weight as if it came from multitudes. And when he regarded the history of that illustrious person, and recollected that he had, during threescore years, and continued still, though he had attained the extreme verge of human life, steadily, without wavering, or looking back, except to profit by past experience—never deviating from a particular path, but constantly looking forward to the consummation, the end and aim of his labours and of his whole being—namely, the happiness of his fellow creatures, and the promotion of the cause of truth and of justice, surely he (Lord Brougham) had a right to say to their Lordships that there never was before them a petitioner more entitled to their respectful attention. The petitioner prayed that if there should ever be presented to their Lordships a measure for letting in the produce of foreign sugar Colonies, where labour was free, and of our own Colonies, where labour (thank God) was also free, and the produce of slave Colonies—

the foreign Colonies of Brazil and Cuba, for they were the Colonies in question—upon equal terms, that their Lordships would turn a deaf ear to that proposition, let it come from what quarter it might, and let it come in the shape of a temporary experiment, or a matured plan of what was called—and miscalled—human policy, that should interfere with the cause which this country, under his guidance, had so long maintained — the cause of putting down the execrable African Slave Trade, and of shaking off, all over the world, the fetters of the slave. He (Mr. Clarkson) declared he was an advocate of repealing all differential duties between foreign produce and British colonial produce, and for letting in all, without exception, upon precisely the same terms; provided the produce of those foreign Colonies was reared by free, and not by fettered and manacled hands, and that the admission of such produce should not renew or augment the horrors of that infamous slave traffic, which, sixty-one years ago, he began to labour for the complete abolition of. It was matter of astonishment to him (Lord Brougham) that their Lordships should be discussing this subject at all in 1846; that it should be a matter of deliberation in 1846 whether they should give encouragement to the African Slave Trade, to say nothing of slavery, for he was now talking of the African Slave Trade. A great measure was about to be propounded by the Government, one of unexampled importance, even in a commercial view; and in a financial view of no mean importance, involving as it did the revenue of the country. Constitutionally, as well as commercially and financially, it was a measure of the last importance to introduce, for the first time into the market of England, at the same terms as that from our own possessions, sugar the produce of foreign Colonies, whether raised by slave labour or the industry of free individuals; and the question was now to be discussed whether we should or should not encourage the African Slave Trade—whether we should revive, encourage, strengthen, and promote that accursed traffic? Why, all they had been legislating upon for years—all they had been discussing with so much eagerness for the last six months—sunk into utter insignificance in comparison with the magnitude and frightful importance of this question; and a new system of policy, commercial, financial, and legislative, was to be propounded to their Lordships, and to be brought forward (as he perceived by the Commons' Votes) on the 27th day of July, being the ordinary period of the termination of the Parliamentary year, and at a period when their Lordships' feelings, not to say their passions, had already been excited by a most important political discussion. The history of Parliament would furnish no second example of this. The question was not a new one: it had been brought forward incidentally in 1841, 1844, and 1845; but it would be found, unless he was mistaken, that it had never been coolly brought forward as the subject matter of debates. There was a sort of under current of party feeling always running on the subject; but the question of the Sugar Duties had now, for the first time, been brought before Parliament on its own merits. It was said that it was better to discuss the question now than to postpone it till a future Session—because it was sure to be carried in the present state of parties, for parties were certainly in an odd state. When there was a scramble, Government generally had a chance of carrying their point. It was, next to the Sewerage question, on which the Cabinet were united—next to the Drainage question, it was the great question of the day. Therefore the Government was content to show that they were agreed on some question. They had a better chance now, because they had been promoting free trade with respect to the home producers, and they were now going to take away the protection from the foreign grower. Better to take time by the forelock when you were deciding it in an empty house, than if you were deciding it in a house which had discussed the question of the Corn Laws. He knew that these men were wise in their generation, to a certain extent: he knew that these men knew, to a certain extent, what they were about—not much: he knew that they had a little portion of that worldly wisdom which often, as it took the place of higher wisdom, was so much more advantageous to its possessor, and therefore he had great fears that they had not reckoned entirely wrong upon this subject, and that he should be found in a minority when that event happened to which Thomas Clarkson in his petition looked forward, and against which doing any mischief in that House he most earnestly prayed. But, oh! if he had the same house which he had before him, and on all sides of him, when the Corn Laws were discussed a couple of weeks ago—if that House could be reassembled, and the Bill which Thomas Clarkson so greatly dreaded was brought before it, he should tell his venerable Friend to be quiet and easy, and take the repose he had so well earned, for that his eyes would not close in death before a victory should be gained over this last attempt in favour of the Slave Trade. But if such was his astonishment at the time chosen for bringing the measure forward, it was the greater when he considered that there could be no reason, except the one which he had given, for settling this question in the year 1846 more than in the year 1847; and that, therefore, there ought to be at once an acceptance of the proposition to take the Bill for a year without debate and without controversy; and then, next year, after they had had time to be well and rightly advised upon these subjects—after they had had time to collect and gather all the information from the coast of Africa respecting the working of the treaties and the operations of the combined squadrons—after they should have had time to collect all the further information touching the growth of the East Indies, and Siam and Manilla, and touching the growth of our own Colonies—and after they should have had time to gather further details, if further details were wanted, upon that most frightful part of the question, the slavery and Slave Trade of Brazil and Cuba—then they might, in the year 1847, advisedly adjust their future and permanent plan; for, surely, common sense and common consistency, and the desire to avoid absolute ridicule for inconsistency, would prescribe that when they were in a hurry they should only take a temporary Bill, and that they should reserve their final and permanent Bill for a time when they were in no hurry. But if this particular period, at which he was presenting Thomas Clarkson's petition, struck him as most extraordinary, he was not the less astonished when he looked at the particular moment chosen for giving up our home market to the slave-grown sugars of Brazil and Cuba—when he looked at the information which the Government possessed upon the subject; and if there was breathless impatience to get through the measure on the eve of the Corn Bill, and before men should come to reflect on colonial interests, because British interests had now been settled—if that had not enabled his noble Friends to examine their case and study their own documents, they would probably take it in good part if he told them one or two things that were in these documents, for the purpose of illustrating how strange and preposterous a proceeding it was to choose this particular time for giving up their hold over the Brazilian and Cuban Governments. Mr. Cooper, the consul, said—

> "There was a glut of sugar which reduced it to 17*s.* 6*d.* the cwt.—viz., three farthings in the pound, two or three years ago, and representations were made by the suffering planters and the merchants, their associates, to the Government of the country, to take immediate steps for putting down the African Slave Trade."

And why? Because, said the memorial of Messrs. Drake Brothers and Co—whom the Commissioners, whose Report he was reading, represented to be a highly respectable house at the Havannah—by so doing they would open to Brazil and Cuba the market of England—which was the bribe held out to induce their Government to put down the Slave Trade—that they would have access to the English market, and get rid of the glut of Cuban sugar. So it was in Brazil.

> "I have taken considerable pains," said our consular agent, Mr. Cooper, "to inform myself of the feelings of the Government and planters on this subject, and I find that all the most intelligent are anticipating that Her Majesty's Government are opening negociations for the renewal of the trade, and will then demand of Brazil, as a *quid pro quo* for the admission of our sugars, some agreement for the emancipation of the Brazilian slaves. The proprietors not only seem prepared for but satisfied with such a measure."

He had mentioned this with the view of informing their Lordships of the popular impression upon this deeply interesting subject. So that the Cuba men and the Brazil men laboured under the delusion that unless they emancipated their slaves and put down the Slave Trade, the glut of their sugar would never be relieved by its access to the English market—that the British Government would require the abolition of slavery and the Slave Trade as a condition precedent to letting in Cuban and Brazilian sugar, and that they must do the one in order to do the other. *O cæcas hominum mentes!* How little did these planters of Brazil and Cuba, and Messrs. Drake Brothers and Co., and the people whose general impression was thus recorded by Mr. Cooper, suspect that at the time when they were thus prepared to begin emancipating their slaves as the price of the access of their sugars to our market, they were about to have that given to them for nothing, and to be told, "send your sugars to our market and welcome; they will be received without calling upon you to stop one single negro of the imported wretches of Africa, or to strike off one link from the fetters of one slave in America." How little did they, their Government and people, suspect that at the very time they were prepared to begin to emancipate their slaves and to abolish the Slave Trade, these ill-starred measures were maturing in the minds of our statesmen, and that at the end of this protracted Session, they would be embodied in a Bill and submitted to our Legislature. Now he felt persuaded that he was under no necessity of arguing this question more than he had done. He had said enough: that was his case. Nevertheless, so rife was delusion on this subject, so constant was misrepresentation, so audacious the falsification of facts, and so incredible was the assurance with which false and groundless theories were put forward by the apostles of what was falsely called free trade and political economy, that he was bound, before he sat down, to sweep these cobwebs away. He need not tell their Lordships that the effect of this measure would be to let in an additional quantity of sugar, 30,000 or 40,000 tons of sugar into England, and that these sugars must be the growth of Brazil and Cuba. None would come from Louisiana; to talk of Louisiana sugar being admitted when Louisiana was not able to supply her own market, was nonsense. They had a market at home without any duty at all; would they pay charges in America and freight to England? Brazil and Cuba, if this measure passed, would instantly increase their produce 30 to 40,000 tons a year; and these tons could only be wrung from the earth, *justissima tellus*, but wrung from the earth by the labour of fettered hands which exist not now in America, which are not in Cuba or Brazil, but which must, as a matter of necessity, be dragged from their homes in Africa, and through the unspeakable horrors of the middle passage, and condemned to perpetual slavery. That was the effect of this Bill; so that it should be entitled, when it came before their Lordships, "A Bill for encouraging by a high Premium the Brazilian and Cuban Planter to bring over from Africa 40,000 Africans"—freemen as yourselves at this moment—for the purpose of making them slaves in the plantations of the New World. But it was said, we are putting it down by force of a Treaty with France, and as the price of slaves had increased by a large per centage during the last few years in South America, it was a proof that few fresh negroes came over. He (Lord Brougham) had looked at the evidence on this head, and he found that there was one year a drought and a hurricane, and another year a glut, and both the one and the other operated in precisely the same direction. The drought and the hurricane lessened the production of sugar, and lessened the demand for slave labour, because the same number of slaves sufficed for the work; and the glut lessened the demand by precisely the same operation, because the planters no longer had occasion to order over more negroes when they found they could not raise sugar to an advantage. He had the Commissioners' Report, dated the 31st July, 1845, and they said that only 10,000 slaves were brought over last year, being less than before the government of Valdez. He regretted to say that the cause was the small demand for slaves and the diminished activity of the slave traders, not the prohibitory measures of the Government. And here he would step aside for one moment to do an act of justice, and express his gratitude as an abolitionist, and his veneration for that disinterested and admirable person, Valdez, the former governor of Cuba. In his time no Slave Trade that could be kept down was allowed to flourish—in his time there was no intriguing, no sordid trafficking, no bartering the governor's conscience and the governor's duty for a secret consideration in the shape of a price for the slaves imported. None of all these things happened in the time of Valdez. Of Lieutenant-General O'Donnell he grieved to say that, whether his name was English or Irish, he was a disgrace to the country of his origin, as to the country of his birth and adoption. As governor, his conduct had been the very reverse of that of Valdez; he was a man who had encouraged the Slave Trade. That during his rule the trade went on uninterrupted either by the Government or the public, he had the authority of the noble Viscount now at the head of the Foreign Department. "These Governments," said he, "notwithstanding all these treaties and obligations, set at nought their engagements, and systematically discard them, while they permit their own laws to be daily openly violated with impunity, and none more so, if so much, as Portugal." Then we are told of another argument: we were threatened with a sugar famine; we were told that there had been such a falling off in the amount of sugar grown since the emancipation of the slaves, that there was no longer enough to supply the consumption of this country. When the question was of pounds. shillings, or pence, or of profit or of cheapness, you had a right to talk of that, and to use that as an irrefragable argument; but when the question was of good faith, justice, humanity, common honesty, and religion, he despised the argument that would state that the famine in sugar ought to be allowed to enter into consideration. But he did not admit it: it was not the truth; it was nothing like the truth. This famine question had not now for the first time this Session been brought forward as an argument. It was urged largely on the Corn question; but never in the slightest degree influenced his opinion, or his speech, or his vote. His noble Friend would bear him out in that, for the best proof of it was that he brought forward his Motion in 1839, long before the potato had been afflicted with malady, and famine had been talked of in the land. This famine, however, was a constant adviser, and a dangerous one. It was a constant excuse to Governments for betraying their trust, and not doing their duty, and to individuals for infringing the laws of property, and appropriating to themselves what belonged to their neighbours. It was proverbial that famine was this bad adviser. The hideous forms of famine, and of two other evil counsellors connected with it, were celebrated by the poet for being bad advisers:—

> "Et Metus, et malesuada Fames, et turpis
> Egestas,
> Terribiles visu formæ."

These at least prostrated the understandings of some of our Councillors of State, and advised them to neglect their duty and betray their trust. Hunger was not only an evil counsellor, but was a false adviser, and was exceedingly apt to prove its falsehood; after you had yielded to it, like other demons, and sold your souls to it, it turned upon you, laughed at you, and said it was all a lie. [A Noble LORD observed, that the potato disease still existed.] It seemed, then, that as to the disease in potatoes the patient was still suffering; but there was no disease in the sugar cane that he had heard of; and as to famine, there was nothing of that even in Ireland. There were two accounts given of the quantities of sugar now produced. The whole consumption was admitted to be 250,000 tons. What was the production? 125,000 tons from our own Colonies in the West Indies; 80,000—but he took it at 60,000—from Bengal; there were 20,000 tons of free-trade sugar from Siam, Manilla, and Java; and there were from the Mauritius at least 50,000; but it was said to be 60,000. That gave more than 250,000 without going further; therefore, to speak of this as anything like a case of sugar famine was preposterous, false, and absurd. He had seen an account which lowered the amount by 25,000; but where did that come from? Why, it came from the sugar refiners; and of course the sugar refiners, seeing the thing to be as they wished it to be, would lower it as much as possible for the purpose of promoting this measure, by which they would profit in their trade and mystery of sugar refining; he therefore did not go on their estimate, but he took the quantity from the West Indies and the East Indies, which was borne out by the information of his noble Friend the late Governor General of India, and that made the amount nearer 300,000 tons than 250,000. He therefore dismissed at once, as Mr. Clarkson did in his petition, the whole question of sugar famine as bearing at all upon the present case. He believed it would be very difficult for any the most sanguine imagination to form an over-estimate of the capacities for the growth of sugar which were possessed by the East Indies. Mauritius and the East Indies of themselves possessed such capabilities that you had only to give them a fair and moderate protection to be sure of an unlimited supply. If time were given for further inquiry these facts could be proved beyond the possibility of a doubt. But he might say that he had already the proofs of them before him, from the returns they had received within the last two or three years. He next came to another point, to which he entreated the attention of their Lordships. It was said, "Oh, your humanity, your philanthropy, is utterly inconsistent! You refuse, indeed, to take slave-grown sugar; but you have no objection to take slave-grown coffee." To which some curious imaginative persons, clothing the matter in a figure, or trying to bring home the matter by an example, said, "You let the poor man have a dish of coffee, indeed, but you grudge him a little sugar to sweeten it." He (Lord Brougham) denied this assertion, and said, in reply, that a mere figure was here relied upon, without an attempt to touch upon a real argument.

He would, however, answer this figure, and would say that he did not grudge the poor man the bit of sugar to sweeten his dish of coffee—the poor man should have plenty of sugar, and cheap sugar, too; but he must have it lawfully come by: he must have his sugar of the most exquisite quality, too, in abundance, well and honestly come by, and above all, he must not have slave-made or slave-supplied sugar, which, if he had ever read or reflected upon, he must know is crimsoned with the blood of the African. The poor man should have sugar to sweeten his coffee; but it should be the sugar of free labour, grown by planters, upon the estates of our own free Jamaica, of Guiana, of Trinidad, or of the Mauritius; and, above all, that which was as good and cheaper than the rest, the sugar of the East Indies, of which an unlimited supply was always ready to meet the demands of our markets. He (Lord Brougham), however, admitted he had no right to take an advantage of an unskilful adversary, who, though he had made use of a stupid argument, obviously intended to mean something else. He, however, would now make a better argument for such persons, and he would then answer it. He would take their argument to be this—" You are inconsistent in the policy you pursue. Why not take the same steps against Brazilian coffee and minerals, Cuba copper, and American slave-grown cotton, as you propose in respect to sugar from South America ?" In the first place, it was no argument, but the very grossest of all fallacies, to say, when he attempted to argue against a certain admitted abuse, which occasioned the greatest misery and mischief, " Oh, as you don't do away with another cause of similar misery and wretchedness, there is no weight in your argument." His answer to this was simply, that question had nothing to do with the one they were now discussing. They must take the question of sugar upon its own merits ; when another measure was brought forward in respect to cotton and coffee, he would then be prepared to deal with those other articles. And that was precisely the argument that Thomas Clarkson used in his petition. He was against slave-grown cotton as he was against slave-grown sugar. Such an argument did not, therefore, apply to the objections of the petitioner, nor to those of the great bulk and body of the people of England, who abhorred this measure. He was not, however, one of those who, for the bare love of an anomalous consistency, would strain a principle until it cracked beneath him. There was a wide distinction between the two questions; because it was one thing to have a new measure proposed to him for the first time for admitting slave-grown sugar that was never admitted before, and another to undo the policy already established in the country, in respect to coffee, tobacco, copper from Cuba, and slave-grown cotton which was admitted. He was not bound to undo all that been already done. If this argument were to be deemed applicable to this case, it could be made one of universal application; and he defied any one subject of policy, finance, or political economy—which was, no doubt, a most useful and important science when kept within proper bounds—in respect to which it could not be brought to bear so as to prevent all improvements; and not less so in regard to all amelioration in our laws. Suppose that his much venerated friends, Sir Samuel Romilly and Sir James Macintosh, in their great and immortal labours, which ultimately proved so successful to amend the criminal code, and to introduce humanity as well as wisdom in their laws—suppose that Sir Samuel Romilly, having contented himself first with introducing a measure into Parliament which made freehold estates liable to simple contract debts, was to be met by the argument to which he was now referring; or suppose that in his exertions to remove capital punishment for the commission of those offences which were now no longer capital, he had been met by the argument that was now used against him to-day, nothing could have been more absurd, even though it had been resorted to by such men as Sir William Grant and Mr. Canning. The latter eminent statesman had raised the cry of " the wisdom of our ancestors," a sentiment which Lord Bacon had some centuries previously designated a perfect bull. How absurd would it have been to have met the efforts of these great men to mitigate the criminal code of the country by saying, " Why should you bring forward a Bill to abolish one capital felony when you permit about forty-five others to remain?" Let him entreat of those who considered for a moment upon the subject, to reflect that they were not now upon a question as to the propriety or not of rescinding what had already been done, or as to repealing a law which enabled Brazilian or other slave-grown sugar to come into their markets ; he was resisting a proposition to make a law by which the markets of this country would be opened to slave-grown sugar. The promoters of this measure, however, turned round and said, that they had already admitted the principle of such a Bill by taking tobacco, coffee, cotton, and copper, the produce of slave labour. He said that if a Bill were for the first time to be introduced for opening their markets to the latter articles, then, indeed, the argument might be very fairly urged as to their consistency in supporting one measure, while they opposed the other. Let any man show him a measure, having the effect of doubling in one year the quantity of cotton brought from the slave plantations in America, and he would be ready to oppose it on precisely the same grounds as the present measure, which would, undoubtedly, double the quantity of sugar coming into this country. Cotton, however, was gradually increased in proportion to the increased population of the country, and could not, therefore, do much harm to Africa; but the sugar could be increased suddenly, and in one year, by the Bill which proposed to admit that which was the growth of slave labour, and which was now excluded. That quantity could only be made greater—not by any lawful means—but by doubling the Slave Trade of Africa. It was now a relief to him, as it would be to their Lordships, in the discharge of the duty he had taken upon himself, to turn aside for a moment from his own feeble and unauthoritative statements, to those of one whose character and whose justice were only equalled by his steady consistency to his principles—a man who could not for one instant be supposed to be warped by any kind of bias arising from any party or personal considerations against any measure proposed by the present Government—he alluded to the Lord Chief Justice of England; and he confessed, that when he reflected upon the high authority of that eminent and great magistrate, and on the pure and spotless life which, professionally, politically, and individually, he had so long led in the eyes of his loving and venerated countrymen—above all, when he recollected that he could be labouring under no bias or partiality against a measure introduced into Parliament by his own political friends, he (Lord Brougham) was much encouraged in the course he was taking, and felt himself much refreshed by the noble and learned Lord's opinion and authority: *Sed me recreat et reficit Cneii Pompeii sapientissimi et justissimi viri consilium.* He had that noble and learned Lord's authority for saying that he was grieved at being absent on the present occasion; but his opinions upon this subject were embodied in the following letter:—

"Holyhead, Friday.

"When we were talking of the new Government to be formed on the expulsion of Sir Robert Peel's, one observation that occurred to us all was, that it could not go to the country with any great liberal measure at the present time. We forgot the great advantage that a liberal Government would possess in appealing to the people to restore the Slave Trade. What capital speeches may be made, what powerful addresses from the priests of all denominations, what attractive inscriptions for banners and cockades! 'Do as you would not be done by. Do evil that good may come,' the evil unlimited; the good, sordid and doubtful; 'a free passage from Africa to Brazil, the liberty of the lash, &c.' Argument is nothing in this case, the right and wrong are clear. The only question is, whether the right is to be violated, and the wrong done by England, which affects a moral influence over the destinies of the world. Argument is not attempted on the other side—nothing but a miserable deduction from the force of ours: we cannot do all the good, therefore are free to encourage all the evil for our own lucre. By oversight, perhaps by design, a certain amount of evil is uncontrollable and incorrigible; therefore what we can control, correct, probably extinguish, certainly keep down and greatly diminish, we are free to encourage and promote. As to the great experiment to be tried between free and slave labour, I am convinced that it will be decided in favour of the latter. If it was cheaper forty years ago to buy than to breed, so it is now. The experiment never can be tried on equal terms. But, indeed, I take this cloak to be a thin one; and that the real notion is, that slave-trading cannot be put down, and 'common sense' must connive at its continuance, and the feeling against it is either affectation or insane fanaticism.

"Frequent changes of Government are assuredly evils; but what comparison between the evil of such changes and that of one month's existence of the Slave Trade? What is all that could befall all our parties and their members, compared with the suffering which is inflicted by the success of the slavers?

"I know these things appear extravagant, but they are the real facts; and our habitual indifference does not disprove them, but shows to what an extent our minds have been corrupted and debauched by this long abuse of our own wealth or power.

"I blush to read the peddling illustration from receivers of stolen goods, and lament the quarter whence it came. Indeed, I could shed tears at the thought that the triumph which I hope to witness must be gained at the expense of those who still derive all the popularity that belongs to them from the name of Fox. I wonder what Mr. Fox would have said in 1806 if any one had predicted that, after abolishing the trade, England should become the principal fomentor of it, and the principal customer in the market for the sale of human beings. Or in the great year when the Act of Emancipation passed, and England paid twenty millions to those of her sons whom her own evil

> practice had betrayed into the relation of master to slaves, what if Parliament had been moved to give a new stimulus to the trade, to try a great experiment in political economy at the sacrifice of some generations of negroes! The question of protection fades to nothing beside these considerations; but I cannot help thinking that the withdrawal of it from our countrymen in Jamaica would be an unjust proceeding, both to white and black.
>
> "I am sorry to write so loosely on a subject like this, and so very tamely on a proposal which moves me far more deeply than any that has been brought before Parliament in my time."

Now to go back again to the argument respecting coffee and cotton. Cotton and coffee picking was nothing compared with the labour engaged in the production of sugar, as far as regarded the extinction of human life, and the misery that was inflicted upon the poor wretches so employed; the labour attending the growth of coffee or cotton was inconsiderable indeed compared to the frightful occupation, under a burning sun, of putting the sugar canes into the ground. But, after all, it was not slavery that he was now dragging before their Lordships' attention. He was not arguing now upon the propriety of either receiving or excluding slave-grown sugar, merely from the fear of encouraging slavery. He grieved to know it, but he did know it, that slavery was considered a part and parcel of the national institutions of that country which called itself the freest in the world. With all the love and respect which he had for America, he was sorry to be obliged to believe that this system of slavery was one of her most cherished institutions. It was said that that was their affair, and that this country had no right to interfere with them. He very much doubted whether they had a right, with a view of discouraging slavery in America, to abstain from trafficking in American produce, the growth of slave labour. In this respect he differed from his venerable friend Mr. Clarkson, who held the opinion that they had that right, and that it was their duty to exercise that right. That, however, was quite immaterial here, for there was no question of slavery before them now—it was the question of slave-trading they were now considering. They were about increasing their quantity of sugar grown in Brazil and in Cuba—that could not be done without encouraging slavery and increasing the African Slave Trade. That was the gravamen of the charge, and which formed the groundwork of his objections to this detestable measure. Amid the misery, the sorrow, the pain, the intense agony which this system occasioned, he would wish to recall to their Lordships' recollection the horrors of the Slave Trade in the fraud, the pillaging, the rapine, and the hunting down of men—the using them like wild beasts, the dragging of them on board ships, and, after treating them so, consigning them to those holds of human guilt and of human wretchedness, the slave ships that crossed the Atlantic. It was enough to remind their Lordships of a fact the most touching of the whole, which, if he had the tongue of men and angels, he could not paint so strongly as to have the effect of a bare recital—which, could he "warble in sweetest strains that ever seraph sang," he could not describe better than in the simplest language of truth. On the death of a friend, he was consigned to his grave with grief and mourning in all nations, especially uncivilized nations, where the people, though they did not see so largely and think so deeply, yet, for the moment, felt more acutely than refined nations, who had more to variegate their ideas and interrupt their emotions. But those uncivilized men, who, at times, were frantic with sorrow at the bereavements Providence had inflicted by the death of a brother, a parent, a child—those very uncivilized men themselves, when they heard in the slave-ship that the body of their cherished relative was about to be consigned to the deep, held it as a festival, exulted over it as if they knew no bounds to their joy, and set no limits to their happiness, because their joy at the relief of their suffering friend was proportioned to the agonies they had endured at seeing him sharing their sufferings. That was the fact. That was the known fact. That was a daily occurrence on board a slave-ship; and it would beggar all description to find one which could more feelingly or more aptly express all the innumerable horrors and all the inhuman crimes with which this traffic was connected. He said innumerable crimes; but the guilt was not confined to the slave captain and his crew, or those who immediately employed them — the guilt was that of those who encouraged this nefarious trade; the guilt was theirs who knowingly, and with their eyes open to the consequences, deliberately, wilfully, and he would almost say feloniously, encourage this system by opening their markets to the produce derivable from this infernal traffic. They pretended that they did not receive the crews which the slave captain brought over; but if they received the sugar of Brazil and Cuba, and knew it to be produced by the labour of the men thus torn away from Africa, and that without these men being brought over, they would never be able to obtain that sugar, surely they would allow him to say that they encouraged the slavedealer to go over and to purchase them, and to bring them back; they gave him the money to pay his men and the food to support them —they were guilty, and accessories after the fact to that infernal traffic, and they were also accessories before the fact, because they gave them notice that they would purchase the sugar, and they received the produce of these wretches after they were brought over. And here, before he concluded, he would say that their own consuls had given them some idea of the state of those Colonies—of the manner in which they treated those men—many of them freemen in Africa, as free as themselves—some of them princes in the country from which they had been forcibly dragged. What did they think of the statement of one of the consuls of Cuba, relative to a plantation in which there were 180 slaves—that in six years they had only reared nine children? That would show them a pretty comfortable state of society. What thought they of the statement of another consul of Pernambuco, Mr. Cooke, to whom he had already referred? In writing to Lord Aberdeen, he said that there was a peculiar species of slavery existing in that plantation, namely, the endeavour of the masters to suppress the intellect, the passions, and the senses of those poor creatures; and the law aided them by its inhuman provisions, in transforming these African men into a state, the degradation of which could only be known in a state of slavery, and which rendered these African men American brutes. He now came to the last topic on which he meant to touch —for many yet remained behind, and he was running over them rather than referring to the various arguments which might be urged against the proposition, if his friend, Mr. Clarkson's fears should be realized by the Bill unhappily arriving in that House—but before he concluded, he must notice another argument, which he confessed astonished him more than all the rest—though not unaccustomed to observe the arguments to which the defenders of wrong-doing, in the exigencies of the case, were often driven to resort. The friends of these measures attempted reprisals—they tried as it were to carry the war into the enemy's country—they made a movement which was vulgarly called "turning the tables"—they essayed to turn their flank, as a military man would say. They said it was not the anti-slavery men but themselves who were the true abolitionists —that they were the people to abolish slavery—they were the true abolitionists —let them but obtain their will, and they would see that the Slave Trade would be abolished effectually. And how? They were ready to admit freely that the admission of foreign slave-grown sugar would encourage and increase the African Slave Trade for a time; but it would be only temporary; and then such was the confidence they had in their own principles of Free Trade—such was their reliance on the principles of political economy—they depended so completely and entirely on them, that they had no doubt the experiment would end in setting up free trade against slave labour, and abolishing both slavery and the Slave Trade. That was their argument. Did any mortal being ever hear so incredible, so monstrous an instance of human presumption, as that any theorist of any kind, any doctor of free trade, any fanatic of political economy, any zealot in these new doctrines, should actually screw his courage and his countenance up to the frightful admission, that, with his eyes open, cognizant of the consequences, aware of what he was going to do, calmly reflecting in cold blood, he should deliberately announce that he would increase the amount of the African Slave Trade, because he had so much confidence in the doctrines of free trade, that he was certain his theory would come right in the end, and that he had no doubt the Slave Trade would be ultimately put an end to. He defied any one to find, in all the history of human presumption and the confidence of human theorists, to find a parallel to that, and yet, again and again had these men said, that they were in favour of admitting slave-grown sugar—sugar grown by means of slave labour and the Slave Trade, which Slave Trade was sure to be increased, and that they had no objection to incur the incredible responsibility—the guilty responsibility of wilfully, and with their eyes open, confessedly encouraging the Slave Trade, because they felt satisfied that their theory would turn out right in the end. That, certainly, would be great comfort for the wretches who were betrayed, and captured, and tortured, and murdered, while the experiment was making—it would be great comfort to them and their friends, that in the third generation the doctrine of political economy would turn out right, and that others would not be hunted, others would not be captured, others would not be murdered! That was the comfort of the theorists. But although there was something truly terrific in that presumption, there was something of a mixture of the ridiculous in the kind of argument by which it was borne out. The ludicrous supplanted the terrible—nothing was so impotent that an argument might not be found to support it; and the impotency of the one equalled the absurdity of the other. It was said that free trade would supplant slave labour. He denied that such would be the case, and he agreed with his noble and learned Friend the Lord Chief Justice, that the circumstances of the case were not parallel. If they took two countries, one peopled with slaves, and the other with freemen, in the same circumstances of character, soil, and every other accessory, he had not the least doubt that the free labour would supplant the slave labour; the produce of free labour would be cheaper, because men worked more zealously and efficiently when free than when they were slaves. But that was not the case here. One country had free labour without access to the African market, the other had slaves with access to the African market. The converse of the proposition was the fact, and slave labour was sure to carry the day; and why? Because those who had been engaged in discussing the question, and who had grown grey in it as he (Lord Brougham) had, who had heard all the arguments on the subject since the question was first agitated in 1786 and 1787, were aware that the main argument on which all were agreed—that the argument which was urged when the question was brought forward in 1789 by Mr. Pitt, Mr. Wilberforce being absent by accident, was, that it was more profitable to work out the negroes. It was frightful to talk of human beings as they would of cattle; but every one knew—and it was a matter with the planters of pounds, shillings, and pence—that it was much more profitable to "work out" the negroes, than to breed and to spare them. And he would remind such of their Lordships as were old enough to recollect the debates, that the illustration of this principle was taken from the practice of certain postmasters, at the time when posting was more common than it was now, and who found it much more profitable to carry on their business by buying cattle and working them out, than by breeding and rearing their horses. Now, Brazil and Cuba were allowed access to the African market, and there slave labour would most certainly beat free labour. He had done: he had accomplished the task he had undertaken, which was merely to remind their Lordships of the general features of the case. He had occupied their attention at greater length than he had wished to do from the suddenness with which the task had been thrown upon him; for if he had had more time to prepare his speech, he should have reduced it within narrower bounds. He did earnestly hope that their Lordships would not now treat the question as if it was merely one of commercial policy—they should bear in mind that there were involved in it considerations of religion, justice, humanity, and, above all, the national character and credit. He did not think that the question of national honour and credit was inferior to considerations of justice, religion, and humanity; but then national honour, he confidently trusted, was safe in their Lordships' hands, and he felt satisfied that the statements in the petition which he had the honour to present would not to their Lordships be urged in vain.

The MARQUESS of LANSDOWNE believed, in common with most of their Lordships, and with the noble and learned Lord himself, that the present was not the fitting stage and the fitting occasion for discussing a measure which was at that moment being introduced into the other House of Parliament, and which was there to receive that full consideration to which it was entitled before it came to their Lordships' House. He repeated, that the noble and learned Lord himself must have been of opinion that the present was the least fit time, the least convenient opportunity, for a debate on the slave question, since he had himself placed upon the Order Book of their Lordships' House a notice for a discussion of that question, and had, in the course of a few days, postponed the notice upon the grounds that it was not yet brought before the other House of Parliament. He admitted that his noble and learned Friend was entitled to take advantage of the incidental presentation of a petition, before the measure had received any consideration from their Lordships, to introduce it at the length and with the eloquence and ability which he always displayed; but he (the Marquess of Lansdowne) did not then feel called upon to debate by anticipation all the views which his noble and learned Friend had introduced to the consideration of the House. His noble and learned Friend had bestowed a great part of his speech, not in supporting the petition, but in answering the statements contained in it. There was this remarkable fact in the case: the petitioners approached the whole of the subject, and in terms doubtless as sincere and honourable to them as they were unqualified, calling upon their Lordships—not to refrain from the commission of any particular crime, by the exclusion of any particular produce, but—to refrain from any consumption of slave-labour product at all; and they called on their Lordships, as men of principle ought to call upon them, if they believed the principle to be true, to carry it into effect. What had been the whole tenor of the speech of his noble and learned Friend? He had avoided the ground taken by the petitioners, and in his speech he did not call upon them to repeal any of those measures to which he had been a party as a legislator, and to adopt what he conceived to be the better policy; but he urged upon them the most untenable ground on which any nation ever attempted to rest its policy — namely, he threw out principles which were said to be the principles of morality and religion—and then he proposed to limit and qualify the application of their measures to a comparatively narrow branch of their policy, and to place upon that those stains of immorality, which, if they attached at all, attached not to our consumption of slave sugar only, but to the consumption of every description of slave produce throughout the world. He would not now enter upon that point, but would merely take leave to say, that when the day for inquiring into the question came round, he would undertake to show that miseries as great, calamities as horrible, the severance of ties as painful to behold and to consider, were the natural result of that slave cultivation which was permitted and encouraged by their former legislation on that subject, and which his noble and learned Friend did not propose to alter, as any of those horrors which, not for the first time, the noble and learned Lord had with so much eloquence described—the horrors of the middle passage. These were scenes on which he did not mean to dwell; but they were all aware that in countries where slaves were employed in cleaning and cultivating cotton and tobacco, there existed a system most odious and horrible to be tolerated in any civilized country, and as atrocious as any the most fervid imagination could conceive as the result of the Slave Trade. He could not now go into that question. He merely wished to state distinctly that Her Majesty's Government — and himself for one, who was known to be most zealous for the suppression of the Slave Trade—were prepared now, as they had been heretofore, to check and extinguish that trade by all the legitimate means they could employ, by carrying into effect the suppression of the Slave Trade in the high seas of the world, in connexion and concurrence with those nations who might be disposed to join in that great work on principles of morality as well as of policy. But he was at the same time prepared to say, that he thought the people of this country had a right to that free intercourse with the nations of the world by commerce with which they could supply themselves with articles that had now become the necessaries rather than the luxuries of life; and he was not prepared to deprive them of that right by withholding the application of those commercial principles which Parliament had applied to the admission of other articles, both necessaries and luxuries; and while the Government clung to the hope that by persevering in efforts for the extinction of the Slave Trade, they might effect that great service to humanity, they were, upon grounds connected with that very object, adverse to the policy of attempting, by directing their own intercourse with them, to interfere with the domestic institutions of other States, and to deprive them, or to attempt to deprive them, of the right they unquestionably possessed of judging for themselves upon what principles they would conduct their affairs. If any course was more than another calculated to induce foreign States to continue the use of slavery in their dominions, it would be that of year after year threatening them with the cessation of intercourse unless they adopted at once a policy as to their slaves which we ourselves had only adopted during the last twenty years, but as to which, half a century ago, we were equally in error with them. Nor did he confine his remarks, as his noble and learned Friend had done, to Brazil, but he applied them equally to the

States of South America, to the mines of Cuba, and the cotton plains of Louisiana, in which there was a destruction of life equal, at least, to any that took place in sugar plantations. He thought that the object they had in view was to be accomplished, not by attempts to control the Governments of other States in their internal policy, but by opening with all that system of free intercourse in commerce which could not exist long without bringing about a sympathy with us both of feeling and of principle, which in its results must at last prove fatal to the existence of that institution which their Lordships all condemned—which we had abolished ourselves; but which we did not claim the right of abolishing in other countries, by holding out the penalty of suspending that intercourse which it was for the advantage of the world, and most especially for the advantage of this country at the present moment, to promote to its fullest extent. When, however, the measure came to be discussed, he did hope to hear from his noble and learned Friend, and those noble Lords opposite who were prepared to agree with him, distinctly, the measure of the morality of this question, and the application of it to the case of each particular country. He hoped, then, to be told whether it was deemed right, in accordance with the principles laid down by his noble and learned Friend, and to be embodied in the Resolutions on which he was to take the sense of the House, that we should receive commodities which could only be produced by slave labour of the very worst kind; whether it was right that we should receive the copper of Cuba, in the production of which arose some of the most horrible heartrending scenes of iniquity that had ever been charged against slavery. Yet his noble Friend allowed that change in the law under which copper was so admitted to take place without saying one word against it. The kind of labour by which that particular article was produced, was the most cruel form of slavery that his noble and learned Friend's eloquence had ever conceived or described. He hoped they would then learn why it was fitting that they should stand upon that ground — why they should continue that iniquity without the courage to rescind the mischief which they had perpetrated, or to abandon the erroneous policy which they had adopted—why they were, year after year, to cling to this iniquity, and reserve all their indignation for the moment when it was proposed to extend the principle which they had sanctioned to sugar, for the purpose of enabling the people of this country to enjoy that which had now become a necessary of life in greater abundance, and to promote that intercourse between nations which could not fail ultimately to soften manners and introduce harmony amongst mankind. His noble and learned Friend had complained of the time at which this measure was brought forward. He (the Marquess of Lansdowne) could not see how Her Majesty's Ministers could be charged with being precipitate. Why, since the year 1841, there had not been a year in which an attempt had not been made to bring about an extension of the consumption of sugar. And so far from his noble and learned Friend's allusion to the "sugar famine" being well founded, or that it was itself a thing neglected, the fact was, that for years past every endeavour had been made by the different Governments of this country to extend the sugar market, and increase the supply. After those discussions, year after year, and, above all, after the great and general principles of free trade had been affirmed by the Legislature, it was not deemed right by Her Majesty's Government to leave this question to float on the surface of their legislation, or propose in reference to it mere temporary measures, which, like all similar expedients, could only have the effect of keeping the whole trade and the consumer in a state of uncertainty. They, therefore, thought it right to endeavour, even at that period of the Session, to induce their Lordships to adopt some settled and permanent policy, for which, he contended, the years of discussion which had taken place upon the subject had fully prepared their Lordships. He did not ask them to decide now upon the accident of the question being raised by his noble and learned Friend on the presentation of a petition, and not upon the Resolution of which he had given notice; and when his noble and learned Friend had to address an audience much thinner than he was accustomed to address on all occasions when their Lordships had the advantage of knowing that his noble and learned Friend's eloquence would be heard. He did not doubt that there would be found in that House those who agreed with his noble and learned Friend in thinking that the great interests of morality and religion were at stake; and, on the other hand, that there would be found also those who, not considering those great principles to be affected by this question, felt that the best interests of the people of England were concerned in obtaining for them as speedily as possible the share to which they were entitled in that important article of consumption; and he thought, therefore, that no difficulty would be found on either side of the House in bringing together, when this question should come on for discussion, such an attendance as it would be far more satisfactory to his noble and learned Friend to address than he could have found it on the present occasion. For his own part, he was of opinion that Her Majesty's Government had acted rightly in losing no time, consistently with the fair consideration of the question and the forms of Parliament, in inviting their Lordships to come to a decision.

Lord BROUGHAM rose to explain, and was understood to say, in reference to the alleged stimulus given to the Slave Trade by the relaxation in the duties on copper ore, that the increase alluded to had only found employment for one additional vessel.

Petition ordered to lie on the Table.

House adjourned.

HOUSE OF COMMONS,

Monday, July 27, 1846.

Minutes.] New Member Sworn. For Kirkcudbright, Thomas Maitland, Esq.

Public Bills.—1°· Spirit Licenses and Duties; Consolidated Fund (£400,000,000); Baths and Washhouses (Ireland).

2°· Newfoundland; Deodands Abolition (No. 2).

Reported. Poor Removal; Sugar Duties (No. 2); Crown Charters (Scotland); Shannon Navigation.

3°· and passed. Books and Engravings.

Petitions Presented. By Mr. George William Hope, from Members of the Committee of the Southampton Auxiliary to the British and Foreign Anti-Slavery Society, for Equalization of Duties on Sugar.—By several hon. Members, from a great number of places, in favour of the proposed Government Measure respecting the Sugar Duties.—By Mr. George Hamilton, from Members of the West India Association of Dublin, respecting the Admission of Rum.—By Mr. Barclay, from Merchants and Planters connected with the Colony of Mauritius, respecting the Obtaining of Labour.—By Mr. Goulburn, from Members of the Committee of the West India Planters and Merchants, respecting the Admission of Rum and Sugar, and the Obtaining of Labour.—By Mr. Long, from Guardians of the Warminster Poor Law Union, and from Ratepayers of Compton Chamberlayn, for Repeal or Alteration of the Lunatics Act and Lunatic Asylums and Pauper Lunatics Act.—By Mr. George William Hope, from Mayor, Aldermen, and Burgesses of the Town and County of the Town of Southampton, in favour of the Baths and Washhouses Bill.—By Mr. M'Carthy, from Mayor, Aldermen, and Burgesses of Cork, in favour of the Baths and Washhouses (Ireland) Bill.—By Mr. O'Connell, from Noblemen, Gentlemen, and others interested in Improving the Salmon Fisheries of Ireland, for Alteration of Law respecting Fisheries (Ireland).

COURT OF COMMON PLEAS.

Mr. JAMES S. WORTLEY wished to put a question of some importance in connection with the administration of justice in the Courts of Westminster Hall. It was generally known that the practice in the Court of Common Pleas was confined to the serjeants; but during Earl Grey's Government a warrant was issued by the Crown to open that court to all barristers. On argument before the Privy Council, it was however held that that warrant was insufficient without the intervention of Parliament. He believed that the late Government had been prepared to introduce a measure to give effect to the warrant; and he apprehended he was correct also in saying that it had the sanction of the late Chief Justice of the Common Pleas. He wished to be informed, therefore, whether Her Majesty's present Ministers entertained the same views and intentions?

The ATTORNEY GENERAL replied, that the present Secretary for the Home Department had found in his office a Bill prepared for the purpose referred to, in order that the Courts of Westminster should be opened to the whole profession. He was happy to be able to state that such a measure was fully approved of by the present Government, and that he would undertake to introduce it, though of course he could not promise that it should be in the present Session.

COURTS OF LAW (SCOTLAND).

Mr. HUME understood that it would be most convenient for him to put the questions of which he had given notice, not to the First Lord of the Treasury, but to the Lord Advocate of Scotland. He would ask them—"Whether it be the intention of Her Majesty's Government to give effect to the recommendations contained in the several reports made by the Royal Commissioners appointed by Lord Grey's Government in 1833, and continued by that of Lord Melbourne until 1838, having instructions to inquire into and report to the House as to the efficiency of the Courts of Law in Scotland?—Whether it be the intention of the Government to carry out, at an early period, the special report made by the above Commission, pointing out the expediency of revising and improving the laws which regulate the transfer of mortgage of land and house property in Scotland?—And whether it be the intention of the Government to take measures for improving the law and practice of jury trial in civil suits in Scotland?"

The LORD ADVOCATE said, that the noble Lord at the head of the Government would take the matter into his earliest consideration.

PROVISIONS FOR IRELAND.

MR. O'CONNELL referred to a report he had seen in the newspapers, that the supply of food by the Government in Ireland was to cease on the 15th of August. He wished to be informed what truth there might be in this statement, or whether Ministers had any intention to stop the supply of food at the date specified? If such a notion were to get abroad, he feared it would be received in Ireland with the deepest dissatisfaction. Nothing could have been conducted with greater wisdom and discretion than the supply of food by the late Government.

The CHANCELLOR OF THE EXCHEQUER: I saw in the papers of this morning the report to which the hon. and learned Member has referred, namely, that the supply of provisions would be stopped on the 15th of August. Relief has been afforded in Ireland, partly by means of employment given by the public, partly by employment given by persons residing in the neighbourhood, and partly by the Government, which furnished supplies of food in different districts of the country. We are in hopes that the last may, for the most part, be stopped on the 15th of August. I entirely concur in what has been said by the hon. and learned Member on the beneficial effects of the relief afforded; and from all the accounts I have received since I had the honour of holding the situation I now fill, I can bear my testimony to the excellent manner in which aid was given, so as to save the people almost from famine, and to preserve the peace of the country. At the same time I must observe, that this was a measure calculated to meet temporary and urgent distress; but that it may grow into an evil of no small magnitude, if it be converted into anything like a permanent system. If the people are taught to rely upon the Government for a supply of food, it will become not only a great but a growing evil. I have, I am sorry to say, some proof of the beginning of a feeling of the kind in Ireland; and it is, therefore, essentially necessary to have it clearly understood that it is not the intention to turn that which was a temporary remedy into a permanent system. We are in hopes that it will only be necessary to persevere in supplying food until the 15th of August, when the harvest will be partly gathered in; and directions have been issued to the Commissary General, who has the superintendence of the supply of food, to stop that supply as far as possible on the 15th of August. This is carrying it to a further period than was originally intended, in order that we may know whether the early crop of potatoes will be available. In the first instance, the period fixed was the 1st of August; but it has been extended to the 15th of that month. This was done before we had any reason to anticipate any failure of the crop; and it was most fortunate that such orders were given, because there is too much ground to believe that the early crop of potatoes has to a considerable extent failed. We have not taken this step without doing our best to ascertain whether an adequate supply of food may be expected from other and private sources. I shall, with the permission of the House, read a portion of a letter from the Commissary General at Cork, dated the 12th of July, which will show that there is no prospect of an adequate supply of food in the ports and in the neighbouring districts. [The right hon. Gentleman here read the extract. It stated, that considerable consignments of Indian corn had arrived, or were on their way, and that half a dozen vessels were waiting for orders, whose cargoes, if left much longer on board, would heat.] The fact is, that they were unwilling to unload their cargoes and bring their grain to market as long as the Government supplies lasted, because they were unable to enter into competition. [The writer went on to state, under date of the 15th July, that other ships had come in laden with maize, and were waiting in confidence that sooner or later they should be wanted.] The directions given to him were dated July 22, and he was told that, if other supplies were exhausted, he was at liberty to make use of the biscuit under his charge. The intention was to wind up and bring the matter to a close by the 15th of August; but this applies solely to the supply of food by Government; the employment upon public works is to be continued, and care will be taken that, in remote parts of Ireland, the people shall not unnecessarily suffer from a sudden stoppage of what they have been accustomed to receive. It is not only a just but a wise measure not to teach the people permanently to depend upon the

Government for supplies. The stoppage will not be made until it can be done safely, and at no period can it be so well effected as when the harvest affords a good prospect of adequate means of subsistence.

Mr. O'CONNELL said, the early crop of potatoes had been nearly lost; the hope founded upon this prospect had therefore been disappointed. It seemed to him absolutely necessary not to discontinue the supplies hitherto afforded, at all events until the latter end of September. The present Government had nothing to do but to follow the excellent example of their predecessors, with the same readiness to relieve cases of distress.

Mr. HUME wished to be informed whether there would be any objection speedily to lay upon the Table an account of the manner in which assistance had been afforded—whether in the shape of provisions or employment?

Mr. P. SCROPE was anxious to ascertain another point. Did Government intend to lay upon the Table an account of the contributions by private parties in aid of the object of Government? What had been done by the relief committees in various districts to alleviate distress? Would that information, if supplied, be in sufficient detail to enable the public to understand whether the contributions by individuals were at all in proportion to the means they possessed, and the amount of their property? It would have considerable influence in deciding whether in the present year the relief ought to be continued.

Mr. FRENCH referred to the Grand Jury Presentment Bill passed in the present Session, by which 100,000*l.* was placed in the hands of the treasurers of the different counties, in order to enable prompt payment to be made for works under that Act, and under the Grand Jury Act. He understood that no portion of that fund was now remaining, owing to the increase of distress. He wished to know whether it were intended that an additional sum, in accordance with the provisions of the law, should be placed at the disposal of the Irish Government.

The CHANCELLOR of the EXCHEQUER: With regard to the question of the hon. Member for Montrose, I have to reply, that it is the intention of Government, ere long, to lay on the Table a number of papers explanatory of all that has been done in affording relief to the people of Ireland. Government is also perfectly ready to produce an account of the amount of private contributions; but I am not prepared to say that it would be expedient to give the names of individuals with the sums they severally gave. I am bound to say, however, that the gentlemen of Ireland have come forward most liberally, and contributed in the whole a large sum. As to the question put to me, the whole of the 100,000*l.* was placed at the disposal of the Irish Government, and we have received applications for a further amount. Not only has relief to a great amount been afforded under the first Act of this Session, but under the second Act, authorizing the issue of 100,000*l.* The whole of that sum, and more, has been placed at the disposal of the Irish Government. Presentments to the further amount of 30,000*l.* have been made to the Government, and I believe they have now come to a close; but we have to sanction the issue of 30,000*l.* more. The hon. Member is wrong if he supposes that the 100,000*l.* has not been advanced; they have had that sum, and, as I said, 30,000*l.* more. I assure him that the most anxious attention of Ministers is constantly directed to Ireland and to the state of her crops; we receive reports on the subject from day to day; and although I shall be very sorry to find that we are again called upon, we shall nevertheless not be unprepared.

WAYS AND MEANS—SUGAR DUTIES.

On the Motion, that the Order of the Day for the Committee of Ways and Means be now read,

Lord G. BENTINCK said, that in moving the Resolution which was in the hands of the Speaker, as an Amendment to the Motion for the right hon. Gentleman's leaving the chair, he must take leave, whilst he asked the indulgence of the House, first to express his deep regret that the Motion should not have fallen into abler hands. He felt deeply the responsibility of having had intrusted to him the advocacy of the interests of those great mercantile speculators in the East and West Indies, as well as that other great cause which was connected with the slavery of the African race. He regretted as deeply that their vindication should have fallen into the hands of a feebler advocate than any they had ever before the misfortune to possess. In bringing forward this Motion, he was confident that his noble Friend at the head of the Government would give him credit for truth, when he said that he brought it forward with no hostile feeling towards her Majesty's Government. Though upon other occasions the question of the Sugar Duties and the question of slavery had been mixed up with a vote of confidence in Her Majesty's Ministers, he could truly state on this occasion, whilst he could not say that he placed confidence in Her Majesty's Government, that it was not his intention to mix up with the question any considerations of that sort. Upon a question in which such great interests, such great British interests, as those which existed in the East and West Indies were concerned, and, above all, upon a question which affected the liberty of the African race, it would not be right to mix up these mere party considerations. But, while on the one hand, in introducing this measure, he disclaimed any hostile intentions towards Her Majesty's Ministers, he must, in answer to those surmises which he had seen published, that his hon. Friends around him were come down to fight a sham battle, vindicate them and himself from any such unjust insinuations. Feeble he might be, and perhaps was, but still he was prepared to fight this battle, as far as concerned the East and West India planters, and as far as it concerned the interest of the African race, with all the honesty and the vigour of which he was capable. The question now before the House divided itself into three distinct heads, and as such he would endeavour to meet it. The first question was that which concerned the interests of the British sugar planters in the East and West Indies and the Mauritius, and which, at the same time, concerned the supply of sugar to this country. The next question which he should consider would be the question of revenue touched upon by his noble Friend in introducing his resolutions to the House. And the third and last question which he should take up would be that of the interests of the African race. His noble Friend, in introducing those Resolutions to the House, founded his policy, in a considerable degree, upon the difficulty which existed of supplying the wants of the people of England with sugar, and the necessity of giving them a supply of cheap sugar. True, his noble Friend did not state that there would be an absolute famine in sugar; but he had led the House to suppose that there would be a considerable want of it. Now, he (Lord G. Bentinck) proposed to investigate that part of the question; and he trusted to be able to satisfy the House that, so far from there being any probability of a scarcity of sugar in times to come, if they would only give confidence to the British planters—if they would only give confidence to the investments of British capital in the plantation and cultivation of sugar which were now going on alike in the West Indies, the Mauritius, and, above all, in the East Indies, they need entertain no fear but that there would be an ample supply of sugar for this country. He did not deny that the effect of the emancipation of slaves had been very much to diminish the use of the British West Indies—he could not deny, whilst for six years previous to the emancipation of slaves, the West Indies produced, upon an average, between 190,000 and 200,000 tons of sugar a year, that their production, since emancipation, had fallen off to such an extent, that at one period, it did not exceed 107,000 tons, whilst, at the utmost, the produce had not exceeded 145,000 tons; and that, as a natural consequence of this falling off in the produce of sugar, the price had risen. Taking the average of the prices (with which he had been furnished by the Grocers' Company) for the six years previous to emancipation, and the twelve years which had elapsed since that event, the difference in price as between those two periods had been no less than 10*s.* a cwt. He had taken two periods, the month of July and the month of March, in each of these eighteen years; and he found that the average price of the last six years of slavery did not exceed 27*s.* and some pence the cwt.; whilst the average price of the last twelve years had amounted to 37*s.* the cwt. He was not going to contend that by admitting slave-grown sugar the people of this country would not, for a time at least, gain to the amount he had stated; but it would be no more than exactly one penny a pound. At the same time, however, he maintained that we had a right to expect better things. He looked forward to an increased produce in the East Indies and the Mauritius, and to a restored produce in the West Indies, provided the Government of this country would facilitate the means of the West Indians to obtain free labour, and also continue to them the security of that protection which they now enjoyed. It was the calculation of his noble Friend (Lord J. Russell), that in the present year it might be expected that 125,000 tons of sugar would be obtained from the West Indies. Now, he thought that his noble Friend was somewhat sanguine in that expectation; but, on the other hand, his noble Friend far understated the produce that might be expected to come from the East Indies, provided, but provided only, that the price was maintained; for it was well known that the annual produce of sugar in the East Indies was very enormous—that the inhabitants of those countries were large consumers of sugar—and that when sugar was cheap, they purchased it themselves, and none would be exported to this country; but when sugar was dear, the inhabitants of those enormous territories, amounting in number to a hundred millions of souls, preferred taking their tea without the luxury of sugar. He had had it upon the authority of British merchants, who had themselves plantations in the East Indies, who had lived on those plantations, and had made the cultivation of sugar their business for a great many years—he had it on the authority of Messrs. Allen and Neville, the great sugar brokers of Calcutta, that whenever sugar in the East Indies fell to the price of 8 rupees, then the natives themselves consumed a large quantity; but whenever the price rose to the exporting price of 11 or 11½ rupees, then they were always ready to go without it. It was stated by Messrs. Allen and Neville, in a letter which he held in his hand—but he thought it must be a somewhat exaggerated statement; nevertheless, it showed what the opinions of persons living in that country were—that the natives of the East Indies consumed annually no less than 500,000 tons of sugar. He confessed that he thought that must be an estimate out of all reason; but that there was a probability that the cultivation of sugar would largely increase in the East Indies if protection were given to British capitalists, that he could not for one moment doubt. It was stated by Mr. Huskisson in that House, in the year 1823, that it was visionary to expect that the East Indies could ever become an exporting country in respect to the article of sugar. Mr. Huskisson stated that the East Indies imported more sugar than they exported, and that the whole export together was 4,000 tons to Europe, and 7,000 elsewhere. Now, he had been assured by those who were best able to judge, that there was every reason to believe that next year the exportation of sugar from the East Indies would amount to 100,000 tons. Those who had made calculations upon the subject informed him that such had been the character of the season that the increase in the present year over the last would be no less than 30 per cent. An Englishman, speaking in reference to the sugar district of Bhurtpore, said—

> "Since 1844, in this district alone, nineteen engines of 240-horse power have been erected, and fifteen more of 180-horse power are now in the course of erection; so that the quantity of sugar manufactured has this season amounted to 2,000 tons, and that expected next year is from 8,000 to 9,000 tons."

So that the increase in that small district alone would be no less than four and half fold. There was also a company called the Richmond Company, which was about to send out engines and apparatus of the value of 70,000*l.* But that the House might see the way in which British capital was exerting itself in the East Indies, he would take the liberty of reading two letters of which he held the copies in his hands. The first was a letter dated the 24th of May last. The noble Lord then read the letter, which stated—

> "The shipments from Calcutta this season will exceed those of last year; but it will be late before they arrive, as the exporters will hang back till August. There would be no difficulty in bringing twenty thousand maunds. The new sugar is looking well."

Communications too received from Mirzapore represented the bazaar to be full of sugar, and no purchasers; and from Assemgar, that the crops were not yet sold. The next letter was from a gentleman connected with a great house in the East Indies, whose name he had been requested not to mention, and was dated the 22nd of May last. It was as follows:—

> "From the day I joined the concern I have embarked 8,000*l.*, for which I made last year 110 maunds of sugar, worth 1,300*l.*: 9,000 maunds worth 9,000*l.* I have bought part of the apparatus. I have completed one set of sugar-works, and am well on with another. I have 1,600 acres of sugar cane in the ground, out of which 500 are splendid 'Otaheite.' I have 1,300 acres more of fallow land for sugar cane. We work day and night, with the steam always up. On one piece of less than two acres I made 150 maunds (*i. e.* 5 tons 9 cwt.) of sugar, of the Otaheite sort (that is, at the rate of 4 tons per acre, which all who know anything of sugar plantations will be aware is an immense crop, and it realized at the rate of 100l. per acre."

He believed there was nothing even in the results of railway enterprise superior to that. Yet it had been stated that there was no land in India capable of bearing one-sixth of the sugar crops produced in Cuba. The native sugar cane in India was indeed little better than a weed, growing only to five or six feet in length, and the thickness of a man's finger; whereas the "Otaheite" sort grew to eighteen feet in length, and was as thick as a man's arm. And it was only since 1839 that this latter sort had been introduced into India, where it had already made great progress. In consequence of its introduction and the employment of steam-engines in the manufacture of sugar, the quantity grown upon the banks of the Ganges and the Hooghley was increasing in the degree to which he had ventured to call the attention of the House. If protection were continued, and the inducement of good prices were held out for the employment of capital, there was no doubt before the five years had expired, from which period it was proposed to reduce slave-grown sugar to a level with British colonial sugar, that the increase of sugar in the East Indies would be such as to render the importation from slave States altogether unnecessary. The writer of the letter to which he had alluded also stated that in the last year he had produced no less than 905 tons, or 24,000 maunds, worth 24,000*l.*, having two years ago produced only 9000*l.* worth. Messrs. Scott and Bell, of Madras, in their circular, stated that they had no doubt the quantity of sugar that would be sent this year from Madras would amount to 10,000 tons, and next year to certainly not less than 15,000 tons; that various factories had been newly erected, and others extended; but that, judging from repeated inquiries respecting the production of sugar during the last three years, it was very difficult to say what quantity could be fairly produced; for that nothing could be more disadvantageous than the great uncertainty which prevailed with respect to the Sugar Duties of late years, and that if annual Parliaments proved no better than annual Sugar Duty Bills, the longer they were staved off the better. With respect to the Mauritius, the produce this season, already shipped, amounted to no less than 46,000 tons, and the quantity either actually shipped or ready to be shipped, amounted to 49,000 tons, while the crop altogether would amount to 60,000 tons. For a period the immigration of free labour had been hindered by the Government, but latterly the supply had been better, and the result was now coming into successful operation; but it must be clear to every one that it was not possible for hired labourers sent from a distance to compete with those found upon the native soil. It was well known to be no longer a matter of doubt that those who in their sanguine expectations, when slavery had been put an end to, had calculated that the free negroes would double the quantity of produce obtained from the slaves, had been bitterly disappointed. In those hot climates, which relaxed the energies, even the negroes could not for the high wages they received be induced to labour; and the free negroes, instead of producing double the quantity they were wont to produce when slaves, did not produce more than one-half of that quantity. He had a statement there of the comparative quantity of sugar by 300 slaves in Louisiana, and by 300 free labourers in the Mauritius. He should inform the House that the statements were made by different hands. The slaveowner of Louisiana stated that his 300 slaves produced him 1,500 tons of sugar a year; and the statement of the Mauritius proprietor was, that 300 free labourers produced but 500 tons a year. So that it was clear the slave urged on by the whip produced three times the amount of sugar produced by the free labourer; and that though the Mauritius had a most fertile soil and a climate that was very genial for the growth of sugar, while Louisiana had neither the same genial climate nor fertility of land as the Mauritius, pitting them one against the other, he very much feared that it was clear that slave labour produced far more than free labour. He had stated that to show that the West India planters would not be able, even with their free labour, to compete with the slavery of Cuba and Brazil; but while he said that, he trusted slavery would be held for ever extinguished in the British Colonies. But to return—he had been going on to advert to what was the amount of produce estimated for the year by his noble Friend. His noble Friend had not proposed to state what proportions were to be expected from the Mauritius, or from the East Indies, but had stated there would be altogether 240,000 tons of sugar imported into this country from the British Colonies, together with 20,000 tons of slave-grown and 20,000 tons more of foreign free-grown sugar. As to the capability of the East Indies to furnish a supply, he had already stated that the export depended upon the price; but it should be also borne in mind that the freight from the East Indies varied from 4*l.* 10*s.* to 6*l.* 10*s.* per ton—a heavy charge to which Brazilian and Cuban sugar was not subjected; the freight from Cuba being at the present moment so low as 30*s.* per ton, though generally it was between 2*l.* 10*s.* and 3*l.* 10*s.* per ton. It was quite clear, then, that Brazil and Cuban sugar, even upon another ground, besides the opportunity of growing their sugar at a much less cost, had a great advantage over the East Indies; and, therefore, if the latter was to compete with them, it was evident Brazil and Cuba must be alone successful. His noble Friend had calculated in his estimate that the effect of the free import of Brazilian and Cuban sugar would be to lower the price 6*s.* per cwt. If that should be the case, it would no longer be possible for the East Indies to export. He was informed that the price was something like 23*s.* at which the native merchant sold his produce; but if they reduced that price, the native merchant would no longer bring his produce to market. For they should remember that a large portion of the sugar now produced in the East Indies was grown by the natives, as he understood, upon small patches of half an acre, and one acre, and so forth. His noble Friend had calculated that 280,000 tons would be the amount imported next year. Granting his noble Friend's estimate of 125,000 tons from the West Indies, and 100,000 tons from the East Indies, including Madras (and that was a low estimate), to be correct, 55,000 tons from the Mauritius added to those quantities would give 280,000 tons. But then they had China, Java, Siam, &c., to calculate on, which would produce a quantity sufficient to make the whole importation into this country amount to 300,000 tons. Now, the greatest consumption that had been ever known in this country had reached only 246,000 tons. It was perfectly clear, then, that without seeking the aid of import from slaveholding countries, there would be ample provision for the people of this country. There was at the present moment, according to the returns which they had received that day, a stock on hand of about 71,000 tons of sugar, which exceeded by about 10,000 tons the stock on hand at the corresponding period of last year. On the other hand, for the consumption of the last two months, as compared with that of the corresponding months of last year, the quantity entered for home consumption was about 10,000 tons less; so that, if there should be 300,000 tons imported, there would be a larger stock on hand on the 5th of July, next year, than had ever been at any previous corresponding period. His noble Friend seemed to think the consumption would rather approach 260,000 tons; yet even so, if his (Lord G. Bentinck's) estimate was correct, there would be, including the 70,000 tons now on hand, 370,000 tons to meet that consumption. He thought, then, if any man even for a moment doubted the sufficiency of the supply from the ordinary channels, he would, on considering the matter maturely, lay aside any apprehensions on that score. But they were told that free trade required that the Brazils should be open to our markets—that they would not take our manufactures because we did not take their sugar. That might be true; but if we took their sugar, it might be by taking it instead of the sugar of the West Indies; and we had yet to learn in what respect any customers in the Brazils and Cuba could be preferable to customers in our own West and East Indies, the Mauritius, and our other Colonies and possessions. He had been looking the other day at returns of our exports to the West Indies, and he saw that in the year 1845 we had exported manufactures thither to the value of 2,500,000*l.* sterling, and the population was about one million; while to the United States the manufactures exported were to the value of only 7,500,000*l.*, and the population ten millions. Thus while every inhabitant of the West Indies took something like at the rate of 57*s.* per head of our manufactures, the people of the United States took only 7*s.* 2*d.* per head. Should we not, then, preserve our West Indian customers, who, if they sent us their sugar, took in return their manufactures? whereas, in our trade with Cuba, for the sugar which they sent us they took back gold in coin or bullion. With respect to the East Indies, the present state of our trade with them was, that their markets were glutted with our manufactures; and there was a great difficulty in obtaining gold for them. What, then, would be the case if we deprived them of that export of 100,000 tons of sugar, which would be, in effect, taking from them the value of two and a half millions sterling in the year? We had already deprived them of their manufactures, and substituted the cotton and silk manufactures of the East Indies by the manufactures of Manchester and Macclesfield; and at the present time there was scarcely a market in this country for indigo, which was accordingly succeeded by the cultivation of sugar, the trade in which, however, by the operation of this measure, would be taken from India, and given to Brazil and Cuba. So that on those grounds, if it were urged that all that was required of them was to find a market for the productions of Manchester, Birmingham, and the other manufacturing districts, it did not appear that the manufacturers of this country would benefit by the exchanging of their old customers of the East and West Indies for the new customers of Cuba and Brazil. Looking at the details of some of our exports, he saw that in the articles of printed and plain cottons alone the people of the West less Indies, in the year 1845, had taken no than 37,000,000 yards, while the United States had not taken more than 29,000,000 yards. The cotton manufacturing districts and localities in the west of Yorkshire, at all events, would not find they would better their own interests by the change. He came now to the question of revenue. His noble Friend had calculated that by his scheme, as contrasted with that of the right hon. Gentleman the late Chancellor of the Exchequer, he would gain no less than 725,529*l.* revenue. He (Lord G. Bentinck) was utterly at a loss to understand how his noble Friend would derive that amount. As far as the 240,000 tons of British Plantation sugar went, which was to be let in under his Resolutions and those of the right hon. Gentleman opposite at a duty of 14*l.* per ton, he apprehended that would make no difference. With respect to foreign free-grown sugar, his noble Friend calculated that 20,000 tons would be imported, which he presumed would pay a duty of 21*l.* per ton, while the same would have come in under the proposition of the right hon. Gentleman opposite at a duty of 19*l.* 16*s.* 8*d.* per ton. The difference of amount, added to the increase that would arise from an augmented consumption reaching even so high as 280,000 tons, together with the duty on an additional importation of 20,000 tons, would not yield more than 23,333*l.*, which would be all the gain in point of revenue that his noble Friend could obtain by giving up the principle which had hitherto governed this country with respect to the purchase of slave-grown sugar. On these grounds, he thought he had shown sufficiently, both as far as commercial policy, and as far as the policy of encouraging British capital in preference to foreign capital, went; as far, too, as the justice went of protecting capital which had been invested on the faith of the policy of a hundred years, there was no just ground for the alteration proposed by his noble Friend. Above all, he deeply regretted that at this period of the year, in the last week of July, when the House had been sitting more than six months—when half of the Members had gone to the country, and could not be called back, a measure of this great importance should be brought under discussion. On the Motion which he made the other night, when he was left in a small minority, he thought he had shown to his noble Friend that he had no desire to embarrass the Government. He anxiously desired there should be a temporary settlement of this question. He thought such a settlement could be effected with perfect justice to the consumers of sugar. He had shown there was no fear of this country being starved with regard to its consumption; but of this he was sure, if slave-grown sugar was admitted, and the price of sugar was reduced 6*s.* per cwt.—for his noble Friend's estimate of the sum this country would save was between 1,500,000*l.* and 2,000,000*l.* sterling a year—that sum must be taken out of the pocket of the British merchant. Somebody must lose; the consumer could not gain 6*s.* per cwt., or between 1,500,000*l.* and 2,000,000*l.* sterling, as stated by his noble Friend, without somebody losing their money. The sugar was grown; nothing could now keep down the crop for the year to come, and, therefore, the profit, either the 1,500,000*l.* or the 2,000,000*l.* must go, as he suspected a great portion of it would go, into the pockets of the planters of Brazil and Cuba, or it must come out of the pocket of the British planter from his estates in the East or West Indies and the Mauritius. Now, they could not take 1,500,000*l.* or 2,000,000*l.* out of the pockets of British merchants and planters engaged in the sugar trade, without creating such distress and ruin as was hardly ever before known. He need not mention names, but he had received intimations from many men, who, by their industry, had amassed considerable fortunes in the sugar trade, stating that if this measure passed, their names, before many weeks elapsed, would be in the *Gazette.* He thought, therefore, justice required that some notice—that some time should be given to the merchants of England and the planters in the East and West Indies, to prepare them for this change. It was only with regard to the crop now coming, that in the month of February last, the right hon. Member for Tamworth gave notice of the alteration he intended to make in the Sugar Duties: on the faith of that statement, and of the permanency of the engagements then made, orders had been sent to the East Indies, to China, to Siam, and to Java, and could not be recalled. He recollected to have heard, in the early part of this Session, the hon. Member for Sunderland (Mr. Hudson) make an observation which he feared would soon be re-echoed in every corner of the Empire, that "it had come to this pass now, that no man thought his property safe while the House of Commons was sitting." If such were the vacillation in the commercial polity of the country, instead of its free constitution being its pride and privilege, it would soon be its greatest curse. There was energy and enterprise enough in the merchants of Great Britain to take care of themselves if that House would but let them alone. "Let us alone," was the cry of every merchant, manufacturer, and trader of Great Britain. How was a man to trade if he could not calculate when he sent out orders to be executed in China, which would take fifteen or seventeen months to execute, what price they would produce, or what remuneration he should obtain for his produce when it came? On these grounds he earnestly prayed his noble Friend at the head of the Government not now to press on this measure with indecent haste. The House could not be kept together. He remembered that on a former occasion, when the measure was discussed in 1841, the same Resolution took eight nights' discussion. Could they have eight, or even four nights' discussion now? The Members of that House were so wearied that they could not be kept together; and even if the measure could be discussed there as it ought to be, the other House would not be found when it would have to come before them. But, as he said before, he did not bring this Motion forward out of hostility towards his noble Friend. In 1841, when a similar Motion was brought forward, and carried by a majority of thirty-six, the success of that Motion was not fatal to the Government of the day. In 1830, when he was a humble follower in the ranks of Mr. Huskisson, he remembered that Mr. Huskisson opposed the Sugar Duties proposed by the then Chancellor of the Exchequer. Obstinate was the battle, and Mr. Huskisson was defeated; but he remembered that in speaking of that measure, Mr. Huskisson used every opprobrious epithet toward it that could be applied to any commercial measure. He thought he said of it, that in all the city they would not find a merchant, planter, broker, or shopkeeper, who could understand it. He showed, also, that although it professed to be a measure for the relief of the West Indian interest, it would give relief to those who did not need it, and take it away from those who wanted it most. He forgot what was the majority on that occasion; but it gradually dwindled, and in the end the Government of the day withdrew the measure altogether. But that Government of which the Duke of Wellington was the head, did not think it necessary to retire from office. A similar occurrence had taken place on two great occasions, once when Lord Melbourne was at the head of the Government, and again when the Duke of Wellington was the First Minister of the Crown. He thought, therefore, that his noble Friend, who had found it possible in the course of a fortnight to organize a Government, go through all his elections satisfactorily, and bring forward a great measure of this kind, might consent to withdraw this measure, and pass a temporary measure. He now came to the last division of this question—that relating to slavery. The question he would fairly admit was—he did not wish to blink it—the question was, whether or not the people of England would have slavery and sugar, as his noble Friend said, cheaper by 6*s*. per cwt., or two-thirds of a penny per pound, or whether they would be content to pay two-thirds of a penny a pound more for sugar grown by the free hand of British industry? He regretted that this subject had not fallen into abler hands, and especially when he saw many Gentlemen who, on former occasions, had taken distinguished parts in these discussions. He saw just now in the House the hon. and learned Member for Cork (Mr. O'Connell). Few Gentlemen in that House had put the question more forcibly before them. That hon. and learned Gentleman said plainly—and he agreed with the hon. and learned Gentleman—

> "The question is, cheap sugar with slavery, or dearer sugar without it. It is nothing else than the repetition of the children's fable—the large loaf and the father's curse. It is a farce to propose to let in the sugar of Cuba and the Brazils, and at the same time to propose or to continue emancipation."

The hon. and learned Gentleman said, it was only necessary to place the question fairly before the people of England, and he feared not for the result. So said he. The noble Earl, the father of the Member for Liverpool, when called upon to support a measure, the effect of which would have been the encouragement of slavery, said, "I dare not obey, I dare not obey!" He believed the people of England, oppressed as they were with taxation, did not regret the twenty millions sterling they had paid for the emancipation of slaves. He could say for one that he had never heard any man—that he had never received any communication from any constituent—begrudging the payment of that magnificent tribute to the cause of humanity. Did the people of England not know that they paid yearly something like half a million sterling for the abolition of slavery? Did they not know that at this very time they had forty-nine ships of war engaged in the service of putting down the traffic in slaves? Did they not know that they had upwards of 7,000 men and 700 guns engaged in repressing that inhuman traffic? And would they then be so inconsistent—would they make themselves so ridiculous in the eyes of all the world, that at the same time they were spending this half a million a year, and employing all their means to put down slavery and the Slave Trade, they would contribute, as his noble Friend told them, 1,500,000*l.* or 2,000,000*l.* sterling a year, to add to the profits and premium of slavery. If they meant to allow slave-grown sugar to come into the country, let them call home their fleets, let them cease to expend their blood and treasure on the coast of Africa. His noble Friend calculated the profits at 6*s.* a cwt., that was, 6*l.* a ton. He had partly admitted that slave-grown sugar would rise in price; and it was admitted on all hands that the price of West and East India sugar would fall, so that the prices of the two would meet together. But if the prices of slave-grown sugar rose 6*l.* a ton, and if each negro made three tons of sugar a year, it was easy to calculate what additional value would be added to every slave. Each slave would be worth 18*l.* a year more; and admitting that the life of a slave driven by the lash did not exceed ten years, as it was stated in the correspondence beside him, they would add to the value of each slave 180*l.* during that period. The price of a man slave was stated by the Commissioners at Rio Janeiro to be 81*l.*; the average price of slaves of all descriptions was 64*l.*; add the additional value to them, created by this measure, and what a premium and inducement would they give to the Slave Trade! They were told by those Commissioners that the most extensive slaveowner at Rio de Janeiro was Senhor da Fonseca, and that he had himself proclaimed that in 1844 he cleared 150,000*l.* by this infernal traffic. It appeared by that book that out of 16,200 slaves shipped to Rio, this slave merchant succeeded in importing 4,150. His fleets rivalled the fleets of many nations. At one time nine different ships, under nine different names, arrived with his slaves. Now, it was said, that if one slave in five survived, the venture was a successful one. How, then, would it be when they added this additional price to the value of sugar —when they added the additional price which it must needs give to the value of slaves? As the amount of the sugar grown in a Colony was a sure index of the lives of the negroes, so the price of the sugar was a sure index of the negro's value. He might be asked whether there was anything in the Slave Trade as it was now carried on which should induce the people of England to change their minds with respect to this terrible traffic? There had come out within these two days—he did not know whether he might call it a State Paper—but a document written by a paid officer of the Crown, in which he said the West India planters must be roused from their lethargy, and that this was only to be done by allowing slave-grown sugar to come into competition with them. Mr. Porter afterwards says—

> "If, then, you ask me why—the interest of the English consumer being thus secured—I am anxious for the admission of slave-grown produce, I reply that I am so anxious because I believe there is great efficacy in the carrying out of a true principle; that there is in commercial legislation only one true principle, that understood by the expression 'Free trade.'"

So we are to have free trade in sugar!—"that we cannot with impunity violate any true principle." And then he goes on—

> "That men have thus placed themselves in opposition to what we have a fair right to believe is the intention of Providence in giving different climates and various productions to the nations of the earth; and that it is amongst our first duties to aid, so far as we know and can understand them, and not to thwart, or attempt to thwart, the designs of the Great Parent of the Universe."

What! was the Great Parent of the universe to be called into partnership with Mr. Porter for the encouragement of the diabolical Slave Trade? Was He, to whom they were taught from their earliest childhood to believe manstealing was an abomination and the shedding of innocent blood —was He to be called into partnership with Mr. Porter, this paid servant of the Government, to encourage slavery in Cuba and Brazil, and to give freedom to the traffic between Africa and the West Indies? He asked just now whether there was anything in the modern system of the Slave Trade to reconcile humanity and Englishmen with it. He would now read to the House—and that and another should be the only passages he would read—an account of the treatment which one of these cargoes of slaves belonging to Senor Da Fonseca met with on their passage to Rio de Janeiro from the coast of Africa. This Da Fonseca was not only a slavetrader himself, and a slaveowner, but he was also a sugar planter; and as he himself sat in judgment on these wretched beings, and was on board of the American brig *Kentucky* at the time the scene in question took place, when the slaves met with the cruel treatment recorded—treatment which would enable the House, in the case of these Brazilian slaves, to form a pretty accurate estimate of the treatment which they would receive in other circumstances—he (Lord G. Bentinck) should read the statement made on the subject for the House. The *Kentucky* sailed from Annam Bay with a cargo of 500 slaves on board. His authority for the details which he should state to the House was an English sailor, of the name of Page, who was represented as being born in America, and these details were as follow:—

> "There were about 500 slaves in all on board the brig. Of these about one dozen died on the passage; and about forty-six men and one woman were hung and shot on the passage. 440 or thereabouts were landed at Cape Frio. When the slaves came on board, they were put below between the slave deck, and all were ironed."

He had ascertained that the "slave deck" was about 2 feet 10 inches high; and he had found that in one instance no less than 349 slaves had been embarked in a vessel 67 feet long by 21 feet broad; with a measurement of only 80 to 100 tons. By the Passenger Act in force in this country, every three passengers were allowed five tons; but in this case, on the contrary, there were about four or five passengers to one ton. By the Passenger Act it was provided that each person should be allowed 15 superficial feet of deck; but these wretched beings were shackled down in a place with no more than 2 feet 10 inches above them, and not 4 feet of deck each. The narrative proceeded:—

> "When the slaves came on board they were ironed and sent down below to the slave deck. A bulkhead was run across the midships, and the women and children were placed aft. There were about 250 of them. When it was fair weather a good many of the slaves were permitted to come upon deck, and they remained there night and day. When it was stormy, they were all sent down below. It was intended that there should be 700 of them; but they could not be got together. The day after the vessel sailed—when she crossed the bar of the river, and got out to sea, the negroes got off their irons, broke the bulkhead, and rose on the officers and crew of the brig. Some of them got on the forecastle, some of them aft. The captain armed the crew with cutlasses, and gave them loaded pistols; and the crew and officers then commenced firing down among those in the hold, and continued to do so for more than half an hour."

He stated that he did not join in it; but he said the Brazilian sailors seemed to enjoy it and liked the sport. In about half an hour the slaves were wholly subdued, and the ship had become quiet. The slaves were after a time brought upon deck, about ten or a dozen at a time, and ironed again. None of them were killed with the firing, and only nine or ten were wounded, though the sailors fired at them with balls in their pistols and shot in their muskets. He supposed the cause why there were none of them killed, to be, that the sailors had to fire at them down through the hatches; and that the slaves got away when they saw them present their pieces. The next day the slaves were brought upon deck again, twelve at a time, and then and there were tried by Captain Fonseca and the officers of the brig. For two or three days from that time there were forty-six men and one woman hung, shot, or thrown overboard at the command of these individuals. There was not even the same mercy shown to these wretched beings who suffered this punishment that was shown on the new drop at Newgate.

> "Those who were thus executed were heavily ironed; a rope was then put round their neck, which was rove through the yard-arm, and they were run up from the deck. By this means they were not hanged—they were strangled or choked. In that state, and while still alive, they were shot in the breast, and then thrown overboard. If there were two shot or hanged together, they were run up in the same manner until their legs were laid across the rail of the bulwark on the ship's side, and then they were broken and chopped off to save the irons. In this way the bleeding body of the negro was thrown overboard to make room for another. The legs of about a dozen were

chopped off in that manner. When the bleeding feet fell upon the deck they were picked up by the Brazilian crew and thrown overboard after the body; sometimes they pelted the body with them in sport while it still hung, half alive."

Could anything, he (Lord George Bentinck) asked, be more devilish than that? and yet it all took place in the presence of the master of these wretched beings. When two chained together were to be hung they were shot while they remained suspended, and thrown overboard still alive. The woman was shot in the neck and thrown over living. Several of them were seen to struggle in the water for some time before they sunk. After this slaughter was done, about twenty were brought up and flogged. They were laid on their faces on the deck, and their hands were tied while the flogging was administered. The relater of the facts stated, that he and another Englishman who was on board, contrived to get clear of the hanging and shooting, but that they were compelled to perform the flogging on these poor creatures. He had himself flogged four of them. Several of the women were flogged as well as the men. Most of them were obliged to lie on their belly during the remainder of the voyage, such was the severity of the flogging they received; on the backs of some the flesh had putrified and fallen off in pieces of six or eight inches in diameter. The wounds were dressed with a salve made on board, and the hollows left in the back filled up with farina. When the farina was placed on the sores the creatures writhed with agony. And yet (continued the noble Lord) this is a traffic which you would encourage by encouraging the consumption of that which produces it. Six years ago Mr. Fowell Buxton stated, that the Slave Trade consumed annually 250,000 negroes; and Lord Aberdeen, in 1844, said, that the average number of slaves imported from Africa into the Southern States of North America and the Spanish West Indies was not less than 100,000*l.* in the year. This year there were 16,000 and odd imported into Rio Janeiro; and the number imported into the Havannah in the same period was, according to the authority of the Judge-Commissary of the Mixed Court, about 10,000*l.* He called on the House to reflect on what that Gentleman stated in writing to Lord Aberdeen upon the subject, and to pause before they proceeded farther with the measure of the Government. That Gentleman stated, that though the importation of slaves into Cuba this year had fallen to the amount of about twenty-five per cent., that reduction did not arise from any fear of the British cruisers, but because the price of sugar was low, and the profits of slavery consequently very much lessened. He said, in that correspondence, if it suited their interests to send vessels to the coast of Africa, he should doubt very much whether they would be deterred from doing so by any fear of the blockade established on that coast; and that, therefore, the cause of the diminution which existed in the number of slaves imported was to be looked for elsewhere. A sufficient reason would be found in the deficient demand for slaves, owing to the low price of sugar; also in the difficulties in which the planters themselves were involved from a combination of various circumstances. "And yet," observed the noble Lord, "you are going now to raise the planters out of their difficulties; you are going to add 6*l.* a ton to the value of their sugar; you are going to impoverish, and perhaps to ruin, our own West India Colonies, and to alienate the affections of our capitalists in the East Indies too, by adding to the gains of those horrible wretches who follow that infernal traffic, the Slave Trade. You are going to add 18*l.* a head to the value of the negro, as if the temptation was not sufficient already; and, as if the premium was not enough, you are about to encourage them to send out fresh ships to increase the imports of these unhappy creatures." The Judge-Commissary gave an account of the cause of the quantity of sugar that was in existence, and stated that it partly arose from the high prrice in former years, and partly from the hurricane which destroyed the crops. The average crop in 1844 was 847,000 boxes; that in 1845 was 650,000 boxes. Yet, with that diminished amount of production, he maintained that there was no increase of price expected; and for this reason—because the price of the year preceding had been kept up by the failure of the sugar crop in the United States of America. He said he had entered into this detail for the purpose of showing that the unsettled state of commercial affairs in that particular was one of the chief causes why the importation of slaves had decreased; the planters being disinclined, under the altered circumstances of the market, to increase their expenses of production. The proposition of the Government would be but to regulate the transit of negroes between Cuba and the Brazils. He said about 3,000 negroes died under the hands of the military in Cuba in the year; and that the usual price of a negro was from 300 to 350 dollars, but that, last year, they brought 400 dollars each. That being the case, he thought that when the condition of the Slave Trade and slavery in Cuba came to be considered by the people of England, if the question was put to them whether they would be disposed, after the splendid gift of 20,000,000*l.* which they had made to the planters for the suppression of slavery in the West Indies, to stimulate the Slave Trade for the advantages of two-thirds of a penny in the pound weight of sugar—he was satisfied that they would never repent their good deed, and that they would answer in the negative. But his noble Friend argued that this country was bound, by Treaty with Spain, to admit her slave-grown sugar on the same footing as that of the most favoured free-labour nation. If he concurred with his noble Friend in the construction to be put upon the treaties that existed between the two nations, no man in that House would sooner come to his noble Friend's support, or more readily give him his assistance to carry out their principle. But he did not concur with his noble Friend upon that point; and he would say that he thought his noble Friend must have been at a very great loss indeed for an argument upon which to let in slave-grown sugar, when he relied upon that. His noble Friend found that last year only 5,000 tons of free-labour sugar were grown; and now he calculated on 20,000. His noble Friend, in raising difficulties on the subject, made a mountain of a molehill; but he differed from his noble Friend *in toto* as to his reading of the treaties with Spain. He had studied those treaties very deeply, and he construed them very differently from his noble Friend in that particular. He was, under these circumstances, at a loss to understand how, either in the letter or in the spirit, his noble Friend could point out how any distinction in the case could be drawn in favour of Spain. His noble Friend pointed to certain negotiations which had taken place, and in which a noble ancestor of his had been engaged, as conclusive on the question; but his noble Friend had forgot to inform the House that "fish" was an article distinctly specified in the Treaty. If the Treaty of 1667 were looked to—the foundation of all the subsequent treaties between the two countries—it would be found that, so far from its being possible that sugar should be admitted into this country, the produce of the Spanish Colonies, it was specially provided in that Treaty that no ships of Great Britain should be allowed to visit these possessions of Spain in the new world. There was not one word about sugar in the Treaty. It was personal altogether, and had for its objects, not the admission of articles of produce, but the security of the rights and privileges of British subjects, similar to those of France, Holland, and other countries. There was not a single word of any privilege to introduce the produce of the Spanish Colonies on the same terms as that of other favoured countries. A proof of that was found in the fact, that in a few years after another Treaty was made, in which a distinction was drawn between French and Spanish wines, imposing a duty of 7*l.* per ton upon the former, and 20*l.* upon the latter. A distinction was also established between the tobacco of Spain and that of the United States—the Spanish paying 6*s.* per lb., whereas the latter only paid 4*s.* But that was not all, for in 1839 and 1840 his noble Friend the Foreign Secretary was engaged in a Commercial Treaty with France, which was on the point of being executed when a difference arose between him and M. Thiers to prevent it; and in that Treaty a distinction was drawn between the produce of France and that of other countries. Therefore, of all the public arguments that had ever been used to admit slave-grown sugar to this country, none was so preposterous as that of his noble Friend, founded upon the faith of treaties. He believed he had now exhausted all the arguments which had been brought to bear upon the subject by his noble Friend; and that he had put the case fairly before the people of England, as it was his wish to do. He did not desire to disguise anything from them, and he hoped he had omitted no point of reply. If they chose to take 6*s.* per cwt., or two-thirds of a penny on the pound of sugar, as a price for the increase of negro slavery, he would say be it so. Upon looking at the comparative price of sugar for the last twelve years of freedom, and the previous six years of slavery, he saw more than the difference of 6*s.* the cwt. in the price. He wished the people of England to know that the question was one of two-thirds of a penny in each pound of the sugar they consumed, and to let foreign nations also know that the people of England were willing to eat their food "unleavened by a sense of injustice." He wished to let the people of England know, that if in furtherance of that which was now assumed to be the true principle of commerce, free trade—if Government wished to inculcate this principle further, and to cheapen their sugar as well as their bread—that they must eat their sugar, their cheapened sugar, moistened by the blood of the negro. He was convinced if such an appeal were fairly made to the people of England—he was convinced there was not a man who would hesitate one moment in his choice. There was not one man in England, beyond the circle of the free traders, who would not cheerfully consent to pay the additional penny per pound. He was sure that the people of England would not grudge 1,500,000*l.* paid annually to put down the Slave Trade; and if his noble Friend drew an argument from their inconsistency, in refusing to consume slave-grown sugar while they consumed slave-grown cotton and tobacco, he valued that argument at nothing. It seemed to be nothing but the old argument of the highwayman and the sheepstealer, "If we are to be hanged for stealing a lamb, we may as well be hanged for stealing a sheep." His noble Friend's argument was, that because we could not do all the good we wished, we were to do no good at all. The people of England had made a monstrous sacrifice of 20,000,000*l.* for the purpose of abolishing slavery in their Colonies, and giving the owners of slaves compensation; and during the twelve years since which slavery had been put an end to in our West India possessions, they had made the further sacrifice of 24,000,000*l.* in the increased price of their sugar, with the view of discouraging slavery elsewhere. He humbly trusted that this mighty sacrifice had not been made in vain, and that the tribute of a penny per pound, which he believed the people of England were still ready to pay, might be accepted, and recorded above by the side of the widow's mite. The noble Lord concluded by moving, as an Amendment—

"To leave out from the word 'That' to the end of the Question, in order to add the words, 'in the present state of the Sugar cultivation in the British East and West Indian Possessions, the proposed reduction of Duty upon Foreign Slave grown Sugar is alike unjust and impolitic, as tending to check the advance of production by British free labour, and to give a great additional stimulus to the Slave Trade,' instead thereof."

The CHANCELLOR OF THE EXCHEQUER: Sir, I hope it is needless for me to express to my noble Friend my conviction that in the course he has taken this evening he is not actuated by a desire to embarrass Her Majesty's Government. I have been opposed during great part of this Session to my noble Friend, and I never for a moment ceased to give credit to him for the entire sincerity by which he was actuated in the course he has pursued, which I believe that he has pursued only because he considered it to be that which was best calculated to promote the interests of the country. I have not now the slightest intention of questioning the grounds on which he has come forward this evening in opposition to the measure of Her Majesty's Government; I give him full credit for the purity of the motives which actuate him and his friends in the course they take, and anxious as I am to show that the arguments on which they rely are destitute of foundation, I, nevertheless, will not dispute for a moment the fairness of their intentions. In discussing this question, I think it will be convenient to follow the course that has been adopted by my noble Friend, and I shall therefore take the division of the subject that he has made. My noble Friend said that the question resolved itself into three parts—the question of the supply of sugar; the question of the revenue; and the bearings of the whole question as affecting the Slave Trade. Now, Sir, to begin with the supply of sugar. About two years ago the right hon. Gentleman who preceded me in the office which I have now the honour to hold, stated, in this place, when he brought forward a measure for the introduction of free-labour sugar into this country (and he stated more forcibly than I shall venture to do), the all-importance of a due supply of sugar in this country. The right hon. Gentleman stated, that from a luxury sugar had become almost a necessary of life to the people of England, and that he was anxious, by legislative measures, to do what was possible to make it more plentiful. He stated that in former times all the ships carrying sugar to the north of Europe came to this country; that England had the command of the sugar of the world limited only by the price of sugar in the continental markets, if it was not wanted here. He told us that it had become necessary when the supply from the West Indies became deficient, in order to increase the supply here, to open our markets to the East Indian supply, and bring it into competition with the produce of the West Indies, so as to meet the increased demand in this country. He said that when both the West Indian and the East Indian supplies were found inadequate to the demand, he and his Colleagues had felt that it was necessary to take means for obtaining a further supply, and for that purpose to let in free-labour sugar from other parts of the world. He also stated that the rise of the price paid for sugar in England justified the measure he proposed. Sir, I say that, at present, the demand is greater than it was when the right hon. Gentleman introduced the measure of the late Government, and also that the rise in the price is more remarkable now than it was when the right hon. Gentleman spoke; and that all the considerations which induced the late Government to bring into our markets foreign free-labour sugar, to enter into competition with sugar the produce of our own Colonies, exist in a greater degree now than they did then. At the time the right hon. Gentleman spoke, the demand, as measured by the consumption, had increased in no degree to the same extent as it has done in the course of the last year. The consumption of 1843, the previous year to that in which the right hon. Gentleman spoke, was only 8,000 tons above that of 1842, but was actually less than that of 1841. The consumption of last year exceeded the consumption of the preceding year (1844) by 36,000 tons. The price of sugar in the three years previous to the time at which the right hon. Gentleman spoke, had fallen 6*s.* a cwt. In the last three years it has fallen only 10*d.* a cwt. The right hon. Gentleman said the price when he spoke was 2*s.* a cwt. higher than it had been the preceding summer. The price in June, 1846, was higher by 4*s.* a cwt. than it was in June of last year, and taking the average of the preceding three months it is higher at this moment than the price of the corresponding quarter of the preceding year by 5*s.* 3*d.* a cwt. The question of price, then, as well as that of demand, is more urgent now than it was then; and on these grounds, I think—and I trust the House will coincide with me—that we have now a stronger case than the right hon. Gentleman had then; and we have this further ground, that the supply which the right hon. Gentleman then promised the country has almost entirely failed. Another right hon. Gentleman, who was lately a Member of this House (Mr. Gladstone) estimated the importation of free-labour sugar that would follow that measure, at 20,000 tons a year. Now the return of the importation of sugar which I moved for, and which has since been laid on the Table of this House—a return which I think a fair one, because it gives the importation for the full year during which the lower rates of duty proposed by the right hon. Baronet opposite were in operation, states that the whole importation of free-labour sugar into this country, from April 1845 to April 1846, instead of 20,000 tons, was less than 4,000 tons. In the last quarter the importation was only 113 tons, so that it has been only 4,113 tons for the whole five quarters. In short, the sources of the supply anticipated have entirely failed. It is incumbent, therefore, on us again to open sources from which a supply of sugar may be obtained, to make up that supply which the right hon. Gentleman told us of, but which has failed. My noble Friend quoted the trade circular of Messrs. Truman and Cook, to show that it was expected that the new plan of the late Government proposed in January last would fail of securing an adequate supply. It has been proved by the return to which I have referred, that the former measure failed, looking at it as a measure of revenue. The amount of revenue derived from this species of sugar, in the year ending 5th April last, was between 400,000*l.* and 500,000*l.* less than had been estimated. The measure, therefore, has entirely failed as a means of adequate supply, as well as a means of revenue. Hence arises the necessity for some further measure in the same direction and of the same description, but calculated better, I hope, to secure an adequate supply. The supply being adequate, the price of sugar depends on the power of consumption in this country. If the price is sufficiently low and the supply sufficiently large, it is impossible to set a limit to the consumption of sugar in this country; and it is quite remarkable how accurately the consumption of sugar varies with the price. It is usual to take the consumption at so much per head, and that mode of reckoning is perhaps sufficient for most purposes. According to that mode of estimating, I find the consumption of 1831, with sugar at 23*s.* 8*d.* a cwt., was 20 lb. per head; in 1840, when the price was 48*s.* 7¾*d.*, the consumption was 15 lb. per head, the duty being the same in both years; in 1845, the price being 32*s.* 11*d.* a cwt., the consumption was again 20 lb. per head. Now, the average price is 35*s.* 10¼*d.* for the month of June, but for the last week of June it was 36*s.* 9¾*d.* In three months, April, May and June of 1845, the average price was 30*s.* 6¾*d.*; in the corresponding three months of 1846 it was 35*s.* 9¾*d.*; the rise of price has considerably diminished consumption; 10,000 tons fewer have been taken out of bond this quarter than in the corresponding quarter of last year. That diminution of consumption, there cannot be a doubt, is owing to the rise of price. With a high rate of wages prevalent throughout the whole country, as is the case at present, owing probably to the competition of railway companies for labour, which has acted beneficially on the condition of the agricultural labourer, I think there is scarcely any limit to the consumption of sugar in this country that might be arrived at if the supply were equal to the demand. In 1840 a pamphlet was published, which is known to many hon. Gentlemen here, and which goes into the question of consumption; and it is there stated, that the allowance in workhouses, to aged paupers, is 22¾ lb. ahead, being 2 lb. more than the average consumption throughout the country, and that the sailors on board of our men of war have 34 lb. 3 oz. a head allowed them. Let it be considered to how large a portion of the population a rise in the price of sugar makes no difference in the quantity they consume; and if you deduct the consumption of that portion from the whole, you will find there is very little left for the consumption of the mass of the people. That they consume much less than those who have the means of obtaining a sufficient supply do, is perfectly clear; and if the labouring population at present consume so small a quantity as, when added to the large amount consumed by the richer classes, to give an average for all classes of only 20 lb. a head, I am convinced they would consume much more if they had the power. The actual consumption of the country, in the course of last year, ending April 5, 1846, is 252,000 tons, of all kinds of sugar—I think it is fair to take the return from April to April, and I think it is not fair to take it from January to January, when the reduced duty was not in operation. That would give too narrow a view of the consumption of the country. 252,000 tons were, then, the consumption of the year ending April 5, 1846. Now, Sir, I must say that I do not agree with my noble Friend in his estimate of supply; and I think he estimates a degree of importation beyond the most sanguine calculations that have yet been laid before the House; but he has not said what he estimates is to be the importation from the West Indies. I understand, however, that he means to say, my noble Friend made a sanguine estimate when he stated it at 125,000 tons. Now, I confess it is very difficult to form accurate estimates of such matters; but I have taken great pains to obtain the best information from parties who are well informed, and who are also likely to give accurate evidence respecting the state of our colonial possessions. The highest estimate is 255,000 tons from the British colonial possessions. The estimate of the sugar refiners, laid before the right hon. Gentleman, put it at 225,000 tons. I have heard the same amount of 225,000 tons stated by a merchant and broker of eminence in the trade. Two other gentlemen, both intimately acquainted with the West Indies, have estimated it at 230,000 tons. A sugar merchant of Antwerp, unconnected with those interests in this country, but largely connected with the sugar trade, has stated it at 220,000 tons. When, therefore, my noble Friend (Lord J. Russell) took the probable supply at 240,000 tons, he took it above the estimate of those who are the best informed as to the trade in this country. I do not differ much from the noble Lord's (Lord G. Bentinck's) estimate with respect to the Mauritius; but his estimate of the supplies to be expected from the East Indies was certainly too large; and when I heard it I thought it so extravagantly too large that I turned to an hon. Friend sitting near me, who is a West India proprietor, in surprise, because it seemed to me that such a supply would put an end to competition not only in the West Indies but elsewhere, and that no sugar from any country could come in competition with such a supply. But for the comfort of the West Indians and others concerned in the growth of sugar, there was a qualification in the noble Lord's statement which entirely destroyed the whole anticipation, because he said that the possibility of the importation he spoke of from the East Indies would entirely depend on its being sold here at a high price. Now, 500,000 tons of sugar, he told us, is the produce of the East Indies—an enormous supply, certainly; but a great portion of the sugar grown there is consumed there—in the food I will not call it—but the sweetmeats to which the people of that country are so much addicted. But he said that if the price was high, the importation would be great. The fact is, however, that the price as it is now checks the consumption of that kind of sugar in this country. The result will be, that if the price is low, the sugar will not come from the East Indies; and if it is high, it will not enter into consumption here; so that it will not affect our plan of obtaining an adequate supply at a low price. I hold in my hand a letter from an importer of sugar from the East Indies, which, with the permission of the House, I will read. He says—

> "The cultivation and manufacture of sugar by Europeans is increasing considerably; and though your market does not look so promising as it has done, we think the exports of 1846 may be expected to exceed those of 1845, though not to a very great extent."

Now, the whole quantity we imported in 1845 was 67,000 tons; and I have calculated that the importation from the East Indies will amount next year to 75,000 tons, being an increase of 8,000 tons. This is the probably supply we shall have from that source; but that is a very different thing from the calculation of the noble Lord of 100,000 tons this year, and an unlimited supply in time to come. The letter goes on to say—

> "It should be borne in mind, however, that India consumes its own sugars to an immense amount, probably not less than 500,000 tons: and if, from the introduction of slave-labour sugar into England, at low duties, or from any other cause, prices of fine sugar here should fall below eight rupees or so for export, we should probably soon cease to supply you with any but a very insignificant quantity."

Therefore this statement, while it so far confirms the statement of the noble Lord, that we might have a great supply of sugar from the East Indies if prices remained as high as they are now—that is, so high as to check and prevent the consumption of sugar in this country—shows that if prices fall, we cannot expect, as the noble Lord seems to do, any great quantity of sugar from the East Indies. When my noble Friend the First Lord of the Treasury, therefore, took the probable importation of colonial sugar from the 5th of April last to the 5th of April next at 240,000 tons, I think, judging from the estimates furnished to us, he rather overstated than understated the amount. I would have said that about 230,000 or 235,000 tons was probably nearer the mark. But, at the same time, I think that it is infinitely better to give the colonial interest full credit for the quantity they can reasonably be expected to produce; and to overstate rather than to understate it. With respect to foreign free-labour sugar, the highest estimate that I have seen is 20,000 tons. I believe the more probable quantity will be 15,000 tons. The House will remember that the whole importation of last year was only 4,000 tons. There is in bond at the present moment 8,000 tons of foreign free-labour sugar; and I don't know that there is any prospect of a much greater quantity coming into the country. The greater quantity of the sugar which comes from Java is diverted into the Dutch market. This does not arise from any difference in the terms upon which slave-labour and free-labour sugar is introduced into Holland; for they are admitted upon perfectly equal terms; but because the Dutch merchants have a direct interest, from the commission which they obtain on the sale of their own colonial sugar, in conveying the Java sugar to Holland. If, therefore, we take the foreign free-labour sugar at 12,000 or 15,000 tons, and the colonial at 240,000 tons, this will make in all 255,000 tons, or probably somewhat less. In point of fact, all the colonial and free-labour sugar we are likely to get will not exceed the consumption of last year, namely, 252,000 tons. It should be observed that the stock of sugar in the market in April last was low, being only about 40,000 tons; whereas, in the April preceding, it was 46,000 tons. We ought to allow for a somewhat larger stock next April. It is probable, therefore, I repeat, that the quantity of colonial and foreign free-labour sugars available for consumptien in this year, will not exceed the quantity consumed in this country during last year. Now, of course, as to what tho probable consumption of next year may be, it is very difficult to say; but why it should not increase I cannot conceive. I have not the least doubt but that the consumption last year was checked by the inadequate supply; and we may readily believe that if there is this year a large supply at a reasonable price, the people of this country will consume a much larger amount than last year. Now, it is of course very essential for this object, that the price should be kept within moderate bounds; and that we must introduce other sugars in addition to those which at present come into our market, in order to ensure the price being so low as to extend the consumption to any large extent; and be it remembered, that every reduction of price has the effect of extending the consumption to a wider and wider circle. Now, all authorities agree in this, that the price of sugar, duty paid, should be at or under 45*s.* per cwt., in order to extend the consumption to any great amount. The present price of sugar of this description is about 50*s.* per cwt. The last sales are at 50*s.*; that is, without the duty, 36*s.* per cwt. Of course, to bring it to the price at which consumption would extend, it would require to be 45*s.*, or, without the duty, 31*s.* per cwt. This would be a reduction of 5*s.* per cwt. below the present price of colonial sugar. But be it remembered that the present price of sugar is unnaturally high. The crop having been deficient, the price, in the course of last year, rose excessively; and the present price of sugar is by no means the natural and ordinary price of sugar. The average price last year, without the duty, was 32*s.* 11*d.*; so that, in order to bring it to the price which is stated to be necessary to increase consumption, it would require to be 1*s.* 11*d.* below the average price of last year, or about 6*d.* higher than the price during the summer of last year. It is, of course, very difficult to attempt any calculation as to price; and any estimate I may make on the subject is necessarily liable to many deductions, qualifications, and disappointments, which it is impossible to foresee; but corresponding slave-grown sugar was sold for 24*s.* 3*d.* per cwt. We are told that a duty of 21*s.* is not an adequate protection to the West Indian interest; but suppose that the duty were 23*s.* 4*d.*, this, added to the selling price, would make 47*s.* 7*d.*, being 2*s.* 7*d.* above the price which is said to be necessary to extend consumption. But take the duty at 21*s.*; this, added to 24*s.* 3*d.*, comes to 45*s.* 3*d.*, which is as near as may be the price at which it is hoped the consumption may be considerably extended. If, however, a rise in the price of foreign slave-grown sugar should take place, I am afraid we should not attain our object; and that, so far from the proposed duty of 21*s.* being too low, if there is any risk, it is that it will be too high for the purpose of promoting an increased consumption. But, at the same time, considering the general interests that will be affected by the measure, I think it is safer to be on the right side; and I do believe that with a higher amount of duty we should not attain our object. My noble Friend (Lord G. Bentinck) said a good deal about the probable rise in the price of slave-grown sugar. It is my own impression that there will be little, I may say no rise in the price of slave-grown sugars if they are admitted into the markets of our country. The price did rise in the course of last year, not only on the Continent, but in this country, mainly in consequence of a deficiency in the importation from Cuba, and partly in consequence of being admitted into the market of this country; but the price of sugar on the Continent has latterly been falling. It rose, from May to June, 3*s.* or 4*s.* per cwt.; but since June the price has fallen, and there is a very large stock of slave and free-grown labour sugar at present in the Continental market. The price rose upon the announcement of the measures of the right hon. Gentleman (Sir R. Peel) in January last; but since that time, I believe, it has fallen; and I am inclined to think that all the rise likely to take place has already taken place, and that when the quantity of sugar on hand comes to be thrown upon our market, the price of slave-grown sugar is as likely to fall as rise. I certainly think it improbable that the price will rise in any degree. To confirm the view I have given as to the effect of the proposed duty, I beg to read an extract from a letter written by a gentleman, the member of an eminent house connected with the sugar trade. He refers to a statement which appeared in *The Times* some time ago, respecting the admission of slave-grown sugar at a duty of 23*s.* 4*d.* His opinion is this:—

> "The effect of such a measure as *The Times* points at would be to prevent a further rise in sugar; but it would not, in my opinion, reduce prices now current more than 3*s.* per cwt. If it is practicable to carry in the House of Commons 21*s.* per cwt. in place of 23*s.* 4*d.* on all sugars not being colonial, I think the country would reap considerable benefit in the price."

On the 6th of July, two days later, the same gentleman said—

> "Allow me also to state, that 21*s.* would allow a much larger quantity of sugar to come in, and would therefore reduce the price much more than the mere difference of 2*s.* 4*d.* per cwt., or a farthing per pound. Upon the whole, I am of opinion, that were the duty fixed at 21*s.* it would bring down the price of sugar sufficiently to give a great impulse to the consumption."

I believe that to be the case. I believe that the effect of the duty we have fixed upon will be to bring down the price to so much and no more as will bring sugar into general consumption—as will at once increase our supply and bring in a large amount of revenue to the country. The West India body may complain of the reduction in the price of sugar; but I think they will admit that the present price is higher than it has been for the last three or four years, and even higher than they would wish to see maintained as a permanent price. I say this, because I believe that it is their interest to extend consumption, and this can only be done by lowering the price of sugar. I believe that their interest, as well as the interest of every other class in the country, is involved in low profits and large productions. If they will consult the manufacturers they will tell them that this is the system which has answered best with them. The same I believe to be true of the agriculturists of this country. I believe that, with increased productions, even with lower profits upon those increased productions, their interests will be far better consulted in the end, than by attempting to keep up higher prices, at which the great body of the people complain and grumble. And be it observed, that, whilst low prices and large productions produce the same effect on the profits of the producer, the consumers of the country have the benefit of a large supply at a more reasonable and moderate price. I, therefore, believe that with the low duty proposed we may reasonably expect an increased consumption of many thousand tons in the course of the year. I don't know why the increase in the consumption should not equal that of last year. Last year the increase in the consumption amounted to 42,000 tons. The right hon. Baronet (Sir R. Peel) calculated the increase at 43,000; and the result was within 1,000 tons of his estimate. But, as I said before, the consumption was checked by an inadequate supply; and why with an adequate supply we should not look for an increased consumption—say a consumption of 280,000 or 290,000 tons—I cannot see; and if so, I need not point out to the House the benefits and blessings which this would bring to the nation. I think I have, on the first branch of the subject into which the noble Lord divided what he addressed to the House, shown that his estimate of the supply is far above what we are likely to obtain; while, at the same time, his estimate of the consumption is far less than we have a right to calculate upon. It would, of course, be rash to say precisely what I thought the probable increase of consumption will be. That will depend upon the price, the supply, and many other things which we cannot command. All that we can do is to take care that there shall be no imposition of high duties to check the fall of price and the increase of consumption. When we have done that, we have done all that is in the power of the Legislature to accomplish. I now come to the second branch, namely, the question of revenue; and perhaps it may be necessary for me to state what my view of the income and expenditure at this moment is. Gentlemen will remember, that ten years ago the revenue was in a flourishing state; after that time, however, partly owing to a bad harvest, and partly owing to a depression of trade, the revenue fell off. In 1839 this deficiency was aggravated by a measure, the passing of which, I am sure, nobody now regrets or wishes undone—I mean the measure for the reduction of postage. In 1840 my right hon. Friend the then Chancellor of the Exchequer proposed an additional 5 per cent on the Customs and Excise; and, in 1841, an attempt was made to reinforce the revenue by measures in which the Government were defeated and retired from power. In 1842, the right hon. Gentleman (Sir R. Peel) came into power. Since that time the revenue has been in a flourishing state, mainly owing to the considerable amount of revenue produced by the income tax; partly to the commercial measures of the right hon. Baronet; and very much also to the good harvests, to a prosperous state of trade, and various other circumstances. I am afraid, however, that these good times are not likely to last. Last year there was considerable stagnation of trade; and I am afraid we cannot look forward with the same pleasure as we can look back. Two days ago I received a circular from Manchester, in which it is stated—

> "We have had another month of depression in this market, almost without a precedent for dulness and paucity of transactions. Notwithstanding the fine prospects of an early and abundant harvest, trade continues embarrassed, and a restlessness and apprehension everywhere apparent, which checks improvement, and almost debars the hope of any favourable change during the remaining part of the year."

I shall now notice the Estimate of the Income and Expenditure given by the right hon. Gentleman the late Chancellor of the Exchequer. In his financial statement this year, he estimated the—

		£
Total Income for the year 1846-7, at		51,650,000
Deduct China money		700,000
Estimated permanent Income ...		50,950,000
And—		
The Expenditure at		50,873,540
Deduct an expenditure comprised in his Estimate, which may not be required again		200,000
		50,673,540
Add—		
Portion of expense of the Irish constabulary now defrayed by Irish counties, to be hereafter charged on Consolidated Fund	175,000	
Deferred Estimate for a quarter of a year on account of certain army and ordnance services	283,000	
Voted for half a year only in Estimates of 1846-7:—		
Half a year's expenditure for auditors, schoolmasters, and medical officers of Poor Law unions	61,500	
Half year's expense of prosecutions	60,000	
Ditto, Ireland	9,000	
Half year's expense of maintaining prisoners under sentence of felony	40,000	
		628,500
Total future permanent Expenditure		51,302,040
Deficiency		352,040
		50,950,000

That is, supposing all the estimated revenue shall remain the same, and the expense of the establishments shall be as the right hon. Gentleman has estimated, there will be to add next year an increased sum of 628,500*l.* to the Estimates, making the whole expenditure 51,302,000*l.*; and if we suppose that the income shall remain the same, there will be a deficiency on the next year of 352,000*l.* That being so, the House will see the necessity why, from some source or other, additional sources of income should be provided. And, Sir, I cannot see, looking at the course which has been taken in the last Session, any possibility of such a reduction in the public expenditure as will render it unnecessary to provide additional sources of income. Let us compare the expenditure of the years 1835 and 1845 from returns laid upon the Table of this House; and I will take the year 1835, because the Estimates of that year were not prepared by Gentlemen on this side of the House, and I will take the expenditure of 1845 because it excludes the increase in the establishments made this year which the hon. Member for Coventry (Mr. Williams) thinks may be reduced in consequence of the more pacific aspect of our foreign affairs; but let us compare the expenditure of the year 1835 with the expenditure of the year 1845, and we shall find that the charges have thus increased:—

Estimates.	1835.	1845.	Increase.
	£	£	£
Charges on Consolidated Fund, other than Debt . . .	2,106,000	2,598,000	492,000
Army, Navy, and Ordnance . . .	11,657,000	15,664,000	4,007,000
Miscellaneous Services	2,144,000	2,726,000	582,000

Making the whole increase in the expenditure in the ten years between 1835 and 1845 no less a sum than 5,081,000*l.* Now, I confess that I do not see any disposition in this House to diminish materially this expenditure, When I consider the hardships of our colonial service upon our soldiers, the increased colonial possessions for which we have to provide defences—I allude to China and New Zealand—and what is going on at the Cape of Good Hope, I do not see any probability, consistently with justice to our soldiers, of the diminution of the number of our army. Their services are so hard that the reliefs ought not to be less frequent; they are exposed to services such as no other army has to perform; and, considering the state of our trade and Colonies, I do not think it possible that we can materially, or at all, reduce the number of our army. Has the House, however, pressed for a reduction? Quite the contrary. My hon. Friend the Member for Westminster asks for changes which will involve an expenditure of 100,000*l.*, and the hon. Member for Tavistock, when he is anxious to put down corporal punishment, is of opinion that this will necessarily lead to an increase in the pay of the army. With regard to the navy, with which I am better acquainted, it is impossible not to see that the introduction of steam ships and that the other increase in the number of our large ships will make calls which will not cause any diminution in the expenditure for that service. The hon. and gallant Officer (Sir C. Napier) wishes now to increase the retiring allowance to worn-out officers, and there would be, in case of war, a necessity perhaps for increasing the pay. In the Ordnance also the increase of the heavy guns, and the supply of guns of a greater calibre and weight to our artillery and our fortifications, will prevent any reduction. A large expenditure must also take place to provide increased harbours of refuge for the steam ships of this country. I had hoped that more would have been already done; but it is impossible to conceal from ourselves, or from the House, that a large expenditure must take place for these purposes. The right hon. Baronet also reminds me of the state of the fortifications on our coasts and in the Colonies. The use of steam has no doubt involved the necessity for a large expenditure; our coasts are no longer in the same security as formerly; inroads and attacks may be made upon them which make it absolutely indispensable that they should be in a fit state for defence. I do not mean that we may anticipate any invasion; but attacks and inroads may be made to which it is impossible this country may be made to which it is impossible this country can submit without having the means of defence. With respect to the Miscellaneous expenditure, increased charges have been pressed upon the House which I am far from saying are unjust. My hon. Friend (Mr. Hume) has pointed out some small matter for saving; but if I look at Education, I find that the House has complained of its inadequacy, and has already granted an increased amount. I am sure the House will willingly consent to taxes for such a purpose; and there are many other objects for the improvement and the gratification of the public which have been pressed by hon. Members upon the House, but all involving an increase of expenditure. There is another subject which has weighed much upon my mind—the power of providing adequate secondary punishments so as to obviate the necessity for transportation. In my opinion we ought, in some way or another, to provide the means for inflicting secondary punishments, by the enlargement of prisons, or by some other mode. I cannot, therefore, look to any reduction of the Estimates. I look rather to an increase; and it becomes then absolutely necessary that we should provide an adequate income. In a recent discussion, Mr. Gladstone met my noble Friend's Resolution against the reduction of the Sugar Duties, my noble Friend having declared that by the mode in which they were dealt with the income tax would not come to an end in three years, by saying that he was utterly at a loss to know what my noble Friend saw to render the reduction unlikely, and the right hon. Gentleman went on to say—

> "He was also prepared to deny that the present measure would render the renewal of the income tax at the end of three more years inevitable. He would not then go into the question as to the continuance of the property tax; but he could not help observing that it must excite some curiosity as to what made the noble Lord suggest, three years beforehand, such a strong opinion as to the non-removal of the property tax at the end of three years."

Now, my noble Friend showed no extraordinary foresight in saying that the income tax would not be removed in three years. That declaration was made a year and a half ago; the year's surplus on ordinary revenue is calculated at 70,000*l.* only, and unless the revenue be increased by some means, there will be in the next year a probable deficiency of 350,000*l.*; whilst the income derived from the income tax forms no less an item than 5,000,000*l.* My noble Friend was amply justified, therefore, in supposing that it would not be taken off at the end of the three years. How far the development of the industry, increased by the commercial measures of the last few years, and still more, of the present Session, will still further improve the revenue, I will not pretend to say; but looking at the present amount of income and expenditure, and the removal of the income tax, if any one is sanguine enough to entertain such a hope —we must find some other source of increasing our income, in order that we may uphold the credit of the country by the payment of the interest on the debt, and maintain those establishments which are absolutely necessary for our honour and security. I do not know whether I can state the probable amount of income to be derived from sugar, because it depends very much upon the supply; but if we take the supply of Colonial sugar at 240,000 tons, with a duty of 14*s.*, we shall have an income of 3,460,000*l.*; if the supply of free-labour sugar be 15,000 tons, at 21*s.*, the duty will amount to 315,000*l.*; or the duty on the two will produce 3,775,000*l.*; but then we shall have only 255,000 tons for consumption. If, however, as I expect, we have at least 20,000 tons of slave-labour sugar, they will raise the revenue to 4,195,000*l.*; or if, as I hope, we shall have 30,000 tons beyond the colonial and free labour sugar, we shall have a revenue of 4,405,000*l.* from sugar. I hope now that I have disposed of the two first branches of my noble Friend's argument; and both with reference to an adequate supply of sugar and the amount of revenue, I think I have shown it to be indispensably necessary to adopt the measure which Her Majesty's Government now propose; I think that our proposal will attain both objects, and I do think that it would have done so if we had not gone so far. By the present measure retaining the differential duty, we not only provide for the admission into this country of a large supply from the sugar-producing countries, but we also provide a larger income than we could have formed by any other measure. I know that some hon. Gentlemen wish that we had at once reduced the duties to 10*s.* on colonial and 15*s.* on free-labour sugar, keeping up the same differential duty of 50 per cent; but we should not have been justified in making any such rash proposal. I do not believe there is sugar enough in the world to come into consumption at such a rate of duties, so as to give anything like the requisite amount of revenue. When the time shall come that there shall be a supply adequate to the consumption of this country, we may hope for a reduction of duty, and no one will be more happy than myself to see that day; but in the present state of the supply we should not have been justified in going beyond what we have now done. My noble Friend then comes to his last topic—the encouragement which he supposes this measure will give to slavery and the Slave Trade. It is, Sir, impossible not to admire and respect the opinions and the feelings of those who take that view of the subject. Nevertheless, notwithstanding his harrowing description of the mode in which the Slave Trade is carried on, and of the hardships suffered by the slaves in Cuba and elsewhere, I think my noble Friend failed to show how this measure will promote the Slave Trade, or how if you reject it we shall not still be liable to a charge of that kind. Anxious though he be to clear this country from such an imputation, can he say, even if we refuse to sanction this measure, that we are exempt from the charge of encouraging slavery and the Slave Trade, so far as measures of this kind could affect either? My noble Friend says that he would abstain from the use of sugar grown by slave labour, but that he would not deny himself the use of other articles the produce of slave labour. Where he would draw the distinction I cannot say. Other nations do use the produce of slave labour, and though he objects to this measure, we do take slave-grown produce ourselves in many ways. It is notorious that this country derives taxes and revenue from the produce of slave labour of various kinds; from slave-grown tobacco, from slave-grown cotton, and from slave-produced copper. I apprehend there is no way in which greater cruelty is practised than in the working of the slave-produced copper of Cuba; yet we have increased considerably the importation of slave-produced copper. In 1840 the inportation was only 26,000 tons, and in 1845 it was 41,000. With regard to slave-grown sugar itself, we do import slave-grown sugar, and keep it in bond to export, not only to the rest of the world but even to our own Colonies. Last year we exported 273,000 cwts. of slave-grown sugar refined in bond in this country; and the colonists in the West Indies, not condescending to eat their own free-labour sugar, sent to this country to obtain the slave-grown sugar refined here, and last year there were exported to the West Indian Colonies 50,000 cwt. of slave-grown sugar; and to suppose that, provided we abstain from the use of the sugar ourselves, we shall be free from the imputation of encouraging slavery and the Slave Trade, is a delusion almost too gross to be palmed upon the people of this country. Nay, further, what is the whole of our trade with Cuba and with the Brazils, but an encouragement of the Slave Trade? The Brazilians take annually 2,500,000*l.* of our merchandise: how is it paid for? What have the Brazilians wherewith to pay for it except their own slave-grown produce? What does it matter whether they pay for this merchandise directly or indirectly? No country can pay for what it receives except by what it produces. All the produce of the Brazils is slave-grown: we as effectually encourage the slave-grown produce when we receive a payment indirectly, as when we receive it directly;

and, unless hon. Gentlemen are prepared to put down all trade with every country in which the produce is obtained by slave labour, they cannot lay their hands upon their hearts and say that they are free from the imputation of encouraging slavery and the Slave Trade. I hope, notwithstanding its length, that the House will allow me to read a letter from a Brazilian on this subject. He is speaking of the commercial measures of his own country:—

> "I should wish to see this subject better explained, because, for my part, I do not see what difference the entry or non-entry of our sugar for consumption in England would make to us Brazilians. I do not see that at the close of the crops any remains to be sold; but, on the contrary, there are always more purchasers than sugar. If, therefore, we have foreign and English capital in our ports always ready to buy our sugar, what need we care where we carry it? Naturally, they will take it to the best market; and if English legislators do not wish the English people to consume sugar so cheap as the other nations of Europe, what is that to us? The English admit Brazilian and American cotton because they want it; and yet it is planted and collected by slaves. What inconsistency in human nature! At one time wishing to appear humane, at another disregarding humanity when self-interests are at stake! Who, therefore, has reason to complain of the non-admission of sugar for consumption? It is the English themselves, through their legislators not consenting that they should purchase sugar so cheap as other nations. According to what I see also, the people to be benefited in case of the admission of the sugar, would be the English themselves alone; because they would save the commissions and freights, &c., which they now pay to the foreign vessels for taking the sugar to the ports of Europe; the returns of the sales of their merchandise would go direct to them; they would profit a great deal by the employment of their shipping, by store, rent, &c. Sugar would go to the ports of Europe and even to England, without any necessity for a misunderstanding upon a point really so imaginary for us, and which would only benefit manufacturers themselves, the English merchants and their shipping; and in course of time, perhaps, if sugars should be admitted, England might become the depot for ours, and the European nations would go there to buy it, instead of coming to Brazil. Hence, perhaps, we should lose that concurrence of foreigners in our markets which we now have; and, therefore, I am doubtful whether we should gain anything by the admission of our sugar for consumption in England. For a long time I have wondered how it is that England has consented that the transport of Brazil sugar should be monopolized by foreign vessels, when the capital employed for loading the same is, for the greater part, English, she being so watchful in affairs regarding her commerce and navigation; but the blindness of that party to whom the English islands are mortgaged is such, and their influence so great in the English Legislative Chambers, that the Executive Government does not dare to propose the admission of sugar; and the manufacturers and merchants have not sufficient influence in the Chambers to obtain it. I do not see, therefore, that the 'non-admission' of our sugar in England does us any harm."

It is English capital that buys the Brazilian goods, it is Brazilian exports that go to pay for our produce; if they are sent to foreign and European markets, the product is brought over to pay us. The produce of Brazilian sugar and coffee grown by slave labour go to pay our merchants as much as if they were sent directly to them, and so we do encourage the slave-grown sugar of the Brazils. But the question does not even stop here. A few years ago we admitted free-labour sugar into this country. What was the state of things before that? We were supplied from the produce of our own Colonies, but the continental countries were supplied partly by free-labour sugar, and partly by slave labour; the foreigner made no distinction; and is it not self-evident that if we take from the Continent a portion of the supply, and the consumption does not decrease, the deficiency will be supplied by slave-grown sugar? We take the free-labour sugar, but we encourage the slave-grown, because the Continent makes up its supply from the latter. You may as well say, or fancy, that you can lower the liquid in one vessel having a communication with another without affecting the liquid in that other, as that you can secure the Continent from using slave-grown sugar to fill up the vacuum caused by your taking the free-labour sugar. You may see the converse of this in what took place last year. The supply of sugar to the Continent fell short in consequence of a failure of slave-grown sugar in Cuba, and the consequence was that the free-labour sugar was exported from this country to supply the deficiency. The right hon. Gentleman opposite stated at the beginning of this Session that such had been the effect upon the continental market. He stated that he was disappointed in the supply of free-labour sugar which had come to this country; and that the reason of it was the short supply of slave-grown sugar in the continental markets? Does the noble Lord suppose that when we take free-labour sugar out of the continental market, slave-grown sugar will not be introduced there to supply its place, just as free-labour sugar was introduced to supply the place of slave-grown? In an indirect mode, therefore, it is the same as if we took the slave-grown sugar ourselves. The right hon. Gentlemen the late Secretary for the Colonies admitted that such was the tendency of the present system; but, after the experience of the last year, would any man doubt that what that right hon. Gentleman admitted was the tendency has been the actual fact? We have attempted to lay down a principle which cannot be carried out; whilst at the same time we deprive the great body of the people of that which has become an actual necessary of life. I do not think my noble Friend is supported by the universal authority even of those most opposed to slavery in the opinion he has expressed, that this measure is necessarily and certainly an encouragement of the Slave Trade. We must remember that a considerable change has come over the opinions of the most honest and sincere men who have hitherto been the foremost of the Anti-Slavery Society. I hold in my hand an account of the proceedings of the Liverpool Anti-Slavery Society, at a recent meeting, and I find that they take a very different view from that of my noble Friend of the effect of this measure. They declare their conviction that free labour will be as cheap and as effectual as slave labour, and they express their anxiety that the measure proposed by Government may pass into a law, and they conclude with a resolution to this effect—

> "That this society cannot but express their decided impression that by the maintenance of the course of policy hitherto pursued, the influence of the British Government over other nations will be ineffectual for the objects in view, and that the measures proposed by the Ministers of the Crown, which are in harmony with the general principles of commercial policy pursued by the late Administration, taken in connexion with friendly negotiations with other Powers, and, as this society believe, with the successful issue of the experiment about to be made by the West India Colonies, will be more effectual to put down slavery and the Slave Trade than any other means."

I entirely concur in that opinion, and I believe that the successful result, which I look forward to most sanguinely, of this experiment about to be tried in the West Indies, by extending the cultivation by free labour, and by other means within our power, will tend more effectually to put down slavery and the Slave Trade than the abstinence from such measures as this, and refusing to the people of this country an adequate supply of sugar, and to the Exchequer the means of making up the deficiency in our revenue. I will only say a very few words with regard to the West India colonists. No one would regret more than myself that this measure should inflict upon the West India colonists a permanent injury. No Government can be insensible to the great interests involved in the West India Colonies, and I believe that if permanent and irremediable injury were to be inflicted upon them, we should inflict not a benefit but an injury upon the consumer of sugar; for I look to them as the great source whence this country will obtain a permanent supply; but I believe that with their means and capital they will be able to cultivate upon more advantageous terms than any other country, even those that use slave labour, and that it is to them we shall in time be indebted for the larger supply of our sugar. Just as I believe the landlords of this country will not suffer permanently by the measures already passed this Session, so do I believe that the West India planters will not suffer from this measure, but that, by increased skill, and energy, and capital, they will so far increase their produce as to make up for any loss they might otherwise sustain from a diminution in the price of sugar. They have had the benefit of a reduction of 10*s.* per cwt. in the duty on their produce. They will now have the advantage, and I believe it to be a great one, of the permanent settlement of this question. All they require is, as my noble Friend said, though I say it in a sense different from that which he intended, to be let alone. They wish to be saved the annual discussion of this question, and the possibility of this House, year after year, reducing their protection, and altering their position. What they look to as a greater benefit than anything else is the permanent settlement of this question, and that advantage at least they will have from this measure. But my noble Friend says that slave labour is infinitely cheaper than free labour; and he quotes, as a proof of it, a comparison between the labour of Louisiana and the Mauritius; but I remember stating last year, on the authority of an hon. Member who had the means of knowing himself, that free labour in Mexico was quite as productive as the slave labour of Cuba; and I can hardly believe that free labour, with the inducement of good wages, will not do more than the listless work of slave labour. Further, I understand that at this moment the people of Cuba are so dissatisfied with the result of slave labour, that they are importing no less than 3,000 free labourers. There may be, and I believe there is, in many Colonies, a deficiency of labour. They have asked to be permitted to import labourers from other parts of the world. To a certain extent that permission has been given to them by the late Government, and the present Government are willing to extend that permission further. They are willing to permit them to procure from any British settlement free labour, imposing no other restriction than that which is necessary to provide against the possibility of anything approaching to the Slave Trade. All that the Government insists on is, that special precaution be taken that the labour shall be really and truly free. More, I believe, the West Indies could not ask—more certainly the Government could not give. And during the time that this experiment is being carried out, no meagre show of protection is afforded to them. In the first year they are to have a protection of 50 per cent over the duty imposed on their own produce; in the next year it is to be 43 per cent.; in the third year, 32 per cent.; in the fourth, 21 per cent.; and in the fifth year 10 per cent.; at the end of which it will expire. In the third year, which is said to be the most critical period, they will have a protection on the amount of duty; and I do not think, with that share of protection, which I do not say is too much, but is such as they are fairly entitled to, and using that skill and energy which is required so to improve their mode of agriculture as to make up for any diminution in price, they are likely to fail in the experiment. But I hope they will not be contented with importing labour. It will not do in this country to cultivate undrained land and to adopt merely the old system of cultivation. Farmers here are obliged to drain their land, to import manure, and to improve their land in every way. The West Indians must do the same; they must adopt all the improvements which modern science and skill can suggest; and with that I sanguinely hope that during the next five years they will maintain that position which they have hitherto held, of furnishing the large supply of this country. At this time I will not go into the details of those accompanying measures which they have requested should be brought forward at the same time with the measures for the reduction of the duty upon sugar. They have said, that forasmuch as protection for them is to cease, it is fair that protection against them should cease also. We have admitted that principle; but they must remember that, till protection does actually cease for them, they cannot fairly claim that protection against them is to cease either. All I can say is, that those measures shall have my fullest and best consideration, and that no claim they can make, shall be withheld, provided they can be in justice and fairness granted. They asked that I should give in some measure an earnest of that disposition; and I have been able to give them one measure as such earnest, without any apprehension, viz., the reduction of one-third of the differential duty on rum; that difference not being imposed for protection, but to equalize the duty on British and colonial spirits when they come into consumption. This has been done for them; and I can assure them that I promise with the utmost sincerity to treat with fairness every claim they can make. I believe they will ultimately triumph in the great experiment they are about to try. With all that skill, energy, and power, which belong to the merchants and planters of those Colonies, it will be a measure of benefit and not of injury: to all other the merchants and manufacturers of this country, I entertain the most sanguine hope that it will be most beneficial; and there is one class of merchants in this country whose interests my noble Friend on a former occasion advocated—the British shipowner, to whom I believe it will be most advantageous. At present the carrying trade of sugar from Cuba and Brazil is carried on mainly in foreign bottoms. I trust that the result of this change will be that it will be almost entirely carried on in British ships. Under the navigation laws of this country, sugar from Brazil and Cuba, for consumption in this country, can only come hither in British, Brazilian, and Spanish bottoms. It will be an advantage, therefore, that the sugar should be brought home in vessels which will admit of its being entered in this country; and if not wanted here, may go on to continental ports; exactly as was formerly the case when the chief supply of Northern Europe come from our West India Colonies. It is the practice for ships bringing home sugar to call off Cowes for orders, and to land it here, or convey it forward to such continental port as they find orders for at Cowes. I trust that the sugar will, after this measure is carried, come home in British vessels; and those vessels will not only have the benefit of bringing the cargoes here, or carrying them to the other ports in the north of Europe, but they will have also the benefit of the back carriage. But, after all, that large body of whose interests I think we are bound to take the greatest care, I mean the great body of the labouring population of this country, are those who will derive the greatest benefit from this measure: whatever we may do for others, they are the persons whose welfare and comfort we are bound most attentively to look to; and I do not think that we can confer upon them a greater benefit than that which I believe will be the result of this measure—a cheap and abundant supply of that necessary article of life, sugar.

SIR R. INGLIS thanked the noble Lord the Member for Lynn for the practical and temperate Resolution which he had proposed for the adoption of the House, and he thanked him equally for the speech with which he had introduced it—a speech so comprehensive in details and abounding in facts—in which, too, every fact was an argument in itself—a speech on which, for his own part, he could have been content to have rested the decision of this question. But as it was not the custom of that House that battles should be decided by single combatants, he trusted that, considering how long he had taken a warm interest in this subject, he might be permitted to say a few words upon it on the present occasion. He must say that the right hon. Gentleman the Chancellor of the Exchequer appeared to him to be, during the great portion of the speech, a Chancellor of the Exchequer anticipating the budget of the next year. He could not help fancying, while he was speaking, that they had arrived at about the 10th of May next, and listening to the very melancholy statement, he feared it would be the right hon. Gentleman's duty then to pronounce. He said that they wanted 350,000*l.*—that they would be deficient to that extent—and that, *per fas aut nefas*, that amount they must have; but whether by legitimate commerce, or by the sufferings and torture of the poor Africans, the right hon. Gentleman did not, he was afraid, seem much to care. He wished to say a few words in regard to the question of the obligation of treaties with reference to this subject; because, if they were bound by treaty to grant the concession of which the noble Lord the Member for Lynn had now spoken, and that they were to give to Spain an advantage that Brazil could not claim, it was pure concession so far as Brazil was concerned; and he could not, in such a case, come to the conclusion at which the Chancellor of the Exchequer had arrived, because that at which the noble Lord had arrived was by far the most obvious. There were two Members of the present Cabinet who knew more of the Treaty of Utrecht, for one of them had written upon the subject, and the other was writing; but he would venture to ask a right hon. Friend of his opposite, whose eye he now caught, whether any Spanish merchant could have thought of claiming the concession given under that Treaty, when no Englishman was ever permitted to approach the colonial possessions of Spain. The Treaty of Utrecht was limited to the persons of the two nations in Europe itself. But if his own convictions were different from what they were; and if he admitted that by the Treaty in question that could be granted which had been asked by the Duque de Sotomayor last year, he should still say with the noble Lord that that obligation ought to be remitted, which placed Spain on the footing of the most favoured nation. The tortures to which the noble Lord had called the attention of the House, were tortures they were prepared to sanction and revive, if they agreed to the proposition now under consideration; because every ton of slave-grown sugar which they introduced into Christian England was a ton of sugar purchased by the blood and suffering of the African slaves; and every three African slaves were in all probability the remains of nine unfortunate slaves exported from their native homes. If they multiplied those by twenty the number of individuals they deliberately wronged—they, a Christian assembly, professing humanity and an abhorrence of everything bearing the name of slavery, would be 180,000 a year. Holding such opinions, and making such professions, were they to encourage such a system? No. He most deliberately exclaimed, "God forbid that they ever should!" He sincerely hoped that those at least who had ever been in that House the antagonists of the Slave Trade, would not now be found wanting, but that they would, to the utmost of their ability, resist this measure. He maintained it was not a party measure. It was as little a party measure as any that could be conceived; and the noble Lord who sat behind him (Lord George Bentinck) had a few evenings before stated as emphatically as he (Sir R. H. Inglis) did now, that the party occupying the protection benches were not influenced in the vote they were about to give by any party consideration whatever. They only wished to obtain greater time for consideration, and that more time might be granted to those whose interests would be affected by the measure. The right hon. Gentleman the Chancellor of the Exchequer had said, that the amount of free-labour sugar imported into this country during the past year, had been very small. The fact that the experiments now in progress had not had time to be duly developed, was one of the principal considerations which induced the opponents of the measure to urge the necessity of delay. They had heard of the enormous increase of the free-labour sugar of India, and had been informed that the actual produce was 500,000 tons. Was it too much to suppose that when the markets were thrown open, a great quantity of it would find its way into the markets of England. Was it not clear that within the last year 35,800 tons had been exported from the Mauritius, and that the quantity calculated for the years 1846-7 would exceed 60,000 tons, and all for the English market. The hon. Gentleman proceeded to read returns from various estates in the Mauritius, to show that the annual produce, and the exports to England, had been considerably on the increase. There was one estate in particular, called the Great Manner Estate, the returns from which showed an extraordinary increase—the production in 1844, being 100 tons; in 1845, 200 tons; in 1846, 800 tons; and the amount exported in the ensuing year was calculated at 1,000 tons. By these and other returns which he held in his hand, he was prepared to prove that one of our Colonies alone could supply us with one-fourth of the entire quantity required for home consumption. If, then, one Colony alone could produce one-fourth of the whole amount consumed in this country during the past year, need they despair but that by continuing encouragement to the native industry of their fellow subjects in the East and West Indies, and in the Mauritius, those places would be able to furnish an abundant supply of sugar without throwing open our markets to slave-grown sugar? They ought to bear in mind that in some of the Colonies they had an unlimited command of soil, upon which they could raise sugar to any extent the wants of the country could require. All that would be necessary to secure this end would be to give the British proprietor that encouragement which, as a fellow subject, he was unquestionably justly entitled to expect; and all that the opponents to the present measure asked was, that the House would not anticipate the result of a great experiment, so fatal as to destroy all prospects of succeeding in such object; but, on the contrary, to extend to their fellow countrymen such a fair and equitable preference—he did not mean an exclusive preference—as would have the effect of reimbursing them for their industry and the outlay of their capital. So much consideration, at the least, they were entitled to receive at our hands. His right hon. Friend the Chancellor of the Exchequer, had stated that the rejection of the present proposition for the settlement of this question would deprive a great body of the people of that which could not but be regarded as a chief necessary of life. This was probably too poetical a form of speech for a Chancellor of the Exchequer now-a-days, to use; but he begged to say that nothing contained in the Amendment of the noble Lord would deprive the people of a pound, no not even an ounce of sugar. It would only prevent their morning or their evening meal being, if he might so speak, tainted with the blood of their fellow creatures. This, he apprehended, was a matter of the soberest truth. It had been stated, he believed, by the Government, as explicitly as words could convey the meaning, that the effect of this measure would be to encourage slave labour. If such should prove to be the case, undoubtedly all the consequences would be on the heads of those who so encouraged it. But it had been said, on the other hand, "You are heartless, inconsistent wretches—you encourage slave labour now—the very clothes you wear are produced by the labour of slaves, and the cigars and snuff which you use are also produced by their exertions." His reply to this would be, "Is it because I cannot do all the good I wish, I am to be persuaded to do as much ill as my neighbour may tempt me to do?" He would take the question up as he found it, and would not voluntarily add to the amount of evil, or increase by any action of his the amount of human suffering. He believed that the proposed measure of the Government, unless checked by the Amendment proposed by his noble Friend, would increase to a lamentable extent the sufferings of the African population, and entail upon that inoffensive people more misery than this country could bear to dwell upon. He was glad to perceive the feeling with which the House had listened to the address of his noble Friend. They had listened to it with deep but silent emotion, that did honour to them as an assembly, and well befitted a British House of Commons. He hoped, however, they would not be contented with an exhibition of silent feeling, but that they would second those impressions by practical results. He, at least, would not be a party to the perpetration or the continuation of horrors such as those which the noble Lord had so feelingly recited. Those horrors were of a most fearful description. The slave ships engaged in this most odious traffic carried at the present time larger cargoes (if such we might call a freight of human beings) than at any previous time. One vessel alone was known to have taken out 1,500, another 700, another 800, and another, in three voyages, made within thirteen months, landed 1,820 slaves. When they considered that the prime cost was but from 8 to 18 dols., and that when landed they sold for 300 dols., they could not wonder, that educated, as unhappily the great body of slavedealers were, without either the love of God or the fear of man, they could forego a traffic, the enormous profits of which proved so gainful to them. He trusted there would be found in that House, and in the country, those who would refuse to purchase the luxury of 20,000 tons of sugar on such terms; and they would rather be content to pay a fraction, which at the utmost could not amount to more than three-halfpence in the pound, to encourage the industry of their own countrymen; and, if such were not deemed a privilege, to avoid the course of encouraging slave-grown sugar produced at such a fearful sacrifice of human life. Under these circumstances, and holding such opinions, it was needless for him to say how cordially he concurred in the Amendment of the noble Lord, and how ardently he hoped it might be adopted by the House. As Englishmen and as Christians, he believed they would be best discharging their duty to their country and their God if they refused to give further sanction or support to a system so injurious to man, and so dishonouring to his Creator.

VISCOUNT SANDON should not feel himself entitled to follow any other course than that which his hon. Friend (Sir R. H. Inglis) had chalked out for himself, if he took the same view of the proposition now before the House. The position of things was now entirely different from what it was in 1841. The House, about a year and a half ago, had taken steps for the admission of foreign sugar to the British market; and such being the case, the question for consideration now was, whether the admission of slave-grown foreign sugar in addition to free-grown foreign sugar did practically give any appreciable encouragement to slavery? From the very first moment when the proposition was started, he had expressed doubts on the subject. He had expressed a doubt whether it were wise to introduce into the Tariff a new distinction—a distinction between slave and free-grown sugar which had never before been recognised. But, under the circumstances, he had with that sort of general protest, followed the lead of the right hon. Baronet (Sir R. Peel). A proposition was now made by Her Majesty's Government which compelled the House to reconsider the question in all its bearings. Following out the theory applicable to the subject, and referring to the experience of merchants, he could come to no other conclusion than that, when once they entered the foreign market, they practically entered the foreign market for slave-grown as well as free-grown produce. He would take Hamburgh as representing under one name the whole markets of the Continent, Java as representing the places which supplied free foreign, and Cuba as representing the places which produced slave sugar. He would take the supply required by Hamburgh arbitrarily from both sources at 100,000 tons. He would suppose each of these could supply one-half of that quantity, and that they did so upon equal terms at the price which the inhabitants of Hamburgh would give. But England had opened her market to the sugar of Java; and as long as there was one shilling of difference between the market of Hamburgh and the market of London, making the latter more advantageous, the whole of the Java sugar would come to England. How was the void to be filled up? Why, the market of Hamburgh was open to the sugar of Cuba; and it would be found that the encouragement given by this country to Java was in the Hamburgh market an encouragement given to Cuba sugar. The distinction of free and of slave-grown sugar was a fallacy, by adopting which they might gratify their feelings; but they would not obtain their object, and would interfere with their own commerce. If it were a mere protest in which they might indulge without harm, let them have the benefit of that fiscal protest. But such was not its character; for it operated as a discouragement on the British merchant. He had taken every means in his power to ascertain whether it were considered that the measure proposed by the noble Lord opposite would have the effect of encouraging the Slave Trade. He had applied for information to disinterested parties, as well as to persons who had taken a most decided part in opposition to the Slave Trade and to slavery in every shape; and the opinion distinctly expressed was, that this measure was not viewed as in any way likely to promote or encourage the Slave Trade. Under these circumstances, he must say he thought it was time that this fallacy should be dispelled, for though it was a fallacy, it was not altogether innocent in its results. It had produced a great degree of irritation in Brazil, Spain, and other countries; it had inclined those Powers to throw every possible obstruction in the way of our commerce; and had placed English merchants trading with those countries in such a position, that not only their property, but even their lives, had been in jeopardy. For these reasons, then, he could not concur in the position which had been assumed, but not proved, by hon. Gentlemen opposite, that the effect of this measure would be to give additional encouragement to the Slave Trade. It was an important question to consider in what manner they could deal with that odious traffic. He confessed that, in his opinion, every Government which had been in power since the passing of the Emancipation Act, had failed most decidedly in dealing with this subject. When they passed the measure of emancipation, they thought the work was done, when, in fact, it was only begun. The free labour of the East Indies had competed successfully with slave labour in the European markets; and he could not conceive what peculiarity there was in the position of our West Indian Colonies which should excite any apprehension with regard to the effects of this measure. Attempts to introduce free labourers into those Colonies had always been viewed with great jealousy; but he thought those apprehensions should be disregarded, and that they should boldly say, "We are making a great experiment, and we only seek to substitute one kind of labour for another." They should fairly explain the precautions they intended to take, and then they should encourage the importation of free labour from any quarter from which it could be obtained. The jealousy with which every step in this direction had been viewed, the readiness with which every failure in the experiment had been seized upon as a reason—not for remedying abuses, but for altogether withholding the practice, had left them, at the end of twelve or fourteen years, nearly in the same position in which they were before. He hoped, however, that the Government of his noble Friend opposite (Lord J. Russell), who, he thought, on the question of a supply of free labour to the Colonies, had shown more courage than most Ministers, would deal boldly with this subject, regardless of the imputation that, in carrying such a system into effect, they would be encouraging the Slave Trade. They knew such an imputation was not true. They knew it was totally false that any Slave Trade, or the shadow of a Slave Trade, could be established or encouraged, by introducing free labourers into the Colonies under a system of apprenticeship. They had been told of the miserable condition of the East Indian Coolies and of the West Indian labourers. Those representations, unfortunately, were true; but they ought to endeavour to use the resources of this vast Empire for the benefit of its subjects, and to place their East Indian fellow subjects in a position equal to that of those who, in this portion of the Empire, enjoyed higher advantages. Of course if such an experiment as he suggested were tried, it would be necessary that proper securities with regard to engagements and the rate of wages should be adopted. He considered that the postponement of this question for a year, and the uncertainty which must in the meantime prevail as to the intentions of the Government and the decision of Parliament, would be most injurious to our colonial interests. How could any one, interested as he might be in the East or West Indies, honestly advise any man to embark his property in those Colonies, while so much uncertainty clouded their future prospects? He thought that our Colonies ought to possess some advantage in the markets of this country over foreign nations. He considered, however, that it was most desirable the Colonies should know upon what they could rely; and upon nothing, perhaps, could they now more certainly rely than upon this—that the total abolition of all discriminating duties, at one period or another, was inevitable. Entertaining these views, he rejoiced that the question was now brought to an issue. He thought it most important, for the prosperity of our East and West India markets of supply, that they should know, as early as possible, the conditions by which they were hereafter to be bound. It was certainly impossible to doubt, after the statement of the noble Lord the Member for Lynn (Lord G. Bentinck), that our East Indies Colonies were perfectly able to compete, in the production of sugar, with any foreign producers in the markets of the world, without protection. If the accounts read by that noble Lord were correct, if a man was able to realize 24,000*l.* by one year's crop, after an expenditure of 8,000*l.* during two years, there could be no doubt on this subject. He considered it most unwise to retain the present discriminating duties between free-labour and slave-labour sugar. That system of duties had failed to accomplish its object, and it had created great irritation on the part of all those nations to which it had applied. Considering, then, that that had been a mistaken system of legislation, he did not feel warranted in acceding to the proposition of his noble Friend the Member for Lynn (Lord G. Bentinck); for he did not believe, from the best consideration he had been able to give the subject, and from the opinions of shrewd and sagacious persons, that the measure of the Government would give that additional encouragement to the Slave Trade which the noble Lord supposed would be the case.

Mr. G. F. BERKELEY said, the right hon. the Chancellor of the Exchequer had maintained that the supply of sugar from our West Indian Colonies had failed; but what had been the cause of that failure? It arose from the circumstance that the labour which would enable the colonists to produce a supply of sugar for this country had been taken from them, and it was totally impossible for them to obtain an adequate supply of labour. His right hon. Friend the Chancellor of the Exchequer had stated that it was necessary the price of sugar in this country should be as low as possible. What, then, was the most legitimate mode of reducing the price of that article?—by admitting the produce of slave States, or by enabling the West Indian body to produce a supply in our own Colonies? His right hon. Friend had also stated that he did not expect any large importations of sugar from our East Indian Colonies this year, or at least that his anticipations did not equal those of the noble Lord the Member for Lynn. He thought it was the duty of the Legislature to adopt measures for increasing the supply from our own Colonies, before they granted any boon to slave-trading states. His right hon. Friend had also said, that the price of sugar in this country at the present moment was excessively high. High as the price of sugar was here, however, so great was the deficiency of labour in British Guiana, that it was impossible to produce sugar in that Colony which could be exported to this country at any reasonable profit. There were estates in the Colony which, if they only produced a hogshead of sugar per acre, would supply half Europe. It was labour that was required. In 1836, the sugar crop of Berbice was 13,000 hogsheads. Between that year and 1841, it fell to 4,500 hogsheads; but since that year there had been a gradual increase, occasioned by the location there of captured Africans. To prove the good effect of African labour, he mentioned that on the estate of Everton the increase of produce between 1841 and 1845 was from 450 hogsheads to 786; on another, it was from 135 to 510; and on a third, from 90 to 436. He quoted a letter, stating that on the islands whole bodies of labourers frequently left by ship without any notice whatever. In one case, in the height of the season, sixty labourers left Trinidad in this manner by a sloop that was seen one Sunday morning in the offing, the whole being a previously arranged plan. He cited this as a proof of the disorganization of the West Indies, which was so great that proprietors were driven to traffic in each other's labourers to supply the necessities of their estates. A gentleman, well acquainted with West Indian affairs, had asked him why the English Government did not place agents at places on the west coast of Africa, where the Slave Trade raged, to promote voluntary emigration to the West Indies? The Gallinas and the Bight of Benin would be proper localities for this purpose; and their presence there would keep slavers off the coast. The present measure was said to be a measure of free trade. The Government intended to carry out free-trade principles; then, if that were the case, what right had they to restrict the Colonies as to the localities from whence they should seek their labour? If they gave this country access to all the markets of the world, they ought to permit the Colonists to go where they could obtain the best and cheapest supply of labour, in order to cultivate their estates; nor ought they to be restricted only to places within the British dominions. Give them the labour they required, honestly obtained—they contemplated no underhand proceedings; they did not wish to trench even upon the borders of slavery—and it would be a greater check to the abominable traffic in slaves than all their cruisers, let them be placed wherever they chose. If the Government would give them this supply of labour, he would support the measure; and in so doing he believed he should be backed by the great West Indian body.

Sir J. W. HOGG wished to explain his reasons for supporting the Resolutions of the noble Lord (Lord J. Russell). When he saw the Resolutions, his desire was to afford to the people of this country an abundant supply of good and cheap sugar, and at the same time to adopt measures calculated to discourage and perhaps lead to the discontinuance of slave-grown sugar. That was his intention in 1841, and it was now his desire. Five years had since elapsed, and the question he asked himself was this—had his intention been carried into effect?—had his anticipations been realized?—had the measure which wes then passed been attended with the success which was contemplated, and did it produce the results they desired? If he found that this measure had failed in producing the results then contemplated, he should be ashamed to rise in his place in that House to urge upon that assembly the adoption of measures which had been tried, and which had signally failed. He asked, did the measures then adopted afford to the people of the country an adequate supply of sugar? He need not argue the point. The calculation of the noble Lord opposite—the medium calculation of the noble Lord as to the sugar expected to arrive in this country, was almost *totidem verbis* the same calculation he (Sir J. W. Hogg) had ventured to indulge in five years ago. He had ventured to say that in the following year, the year 1842, that India would yield 100,000 tons; but the population of India was dense, they were pre-eminently a sugar-eating people, it was almost their only luxury, and according to their means they indulged in that luxury. Not that they indulged in the luxury of manufactured sugar, but that they consumed it in sweetmeats, made from the juice of the cane in an unmanufactured state; and he therefore admitted that India did not supply 100,000 tons. Now, when he and others fell into this error, they did not allude to or make allowance for the improvement in the social condition of the people of India. In point of fact, there had been an increase in the produce of sugar in the East Indies; but the increase had been but little more than was required for the increased consumption of the people of India. He was afraid that the noble Lord who moved the Amendment had been misled as to the productiveness of the Indian soil, and still more as to the extent of Indian capital. The noble Lord would fail in his anticipations in proving this. It ought to be seriously considered that there had been no serious diminution in the price of sugar since 1841. There had been no reduction in prices, he repeated, exclusive of that resulting from the reduction of the duty; but in the price of sugar in bond there had been no serious reduction in price. In the first six months of 1846, the delivery was much less than for the corresponding six months of 1845. He did not think, however, that this was a circumstance to create alarm. It was generally stated that the consumption of sugar throughout the world was 840,000 tons, while it appeared that the produce of sugar in the tropics was only 770,000 tons. A certain quantity was also produced from beet-root and the maple tree. The consumption of sugar in Europe might be taken at 675,000 tons. If this was so, what was the quantity left for consumption at the end of a year? Experience showed that at the end of each year little more than a month's consumption of sugar was left on hand. If they looked at other articles, such as cotton and indigo, they would find that the circumstances were very different. For instance, it was almost uniformly the case that a year and a half's consumption of indigo was on hand. He had seen no calculation which gave more than six pounds a head consumption of sugar for the whole population. By the changes which had been made, they had reduced the revenue of the country, while they had done little or nothing for the consumer; therefore he said they must do something to increase the supply. Then came the question of protection. He was not induced to dwell on the subject of protection. Having voted for the gradual removal of the Corn Laws, and for the removal of protection from the native industry of the country, he should be ashamed to stand up for the protection of the sugar of the East or West Indies. He was speaking individually, and he begged to state this emphatically, holding as he did an influential office connected with the East India Company. This question had not and was not likely to come before that body, but he spoke merely as an individual Member of Parliament. He had, however, taken the opportunity of asking the opinion of those connected with the community of India, for he had long been connected with that class. The East Indians had not expressed themselves against protection. They said that they would like it if it was given them, and they would keep it as long as they could; but when they looked to that House as a branch of the Legislature—when they looked to the interests of the people at large, they stated that they would not authorize any one to remonstrate against this proposed change in their behalf. He should be sorry to be misunderstood. There was an association in London, called the East Indian and Chinese Association, which consisted of almost all, if not all, the most eminent firms in London trading with that part of the world. Now, did the House wish to know the feeling of that body? The Committee had sent a circular to every Member, to obtain his opinion as to the measure of the noble Lord. That body had considered the Resolution of the noble Lord, and what was the nature of the resolution to which it came on the subject? It was no fallacy that, although the meeting was of opinion that the protection proposed to be afforded by the Resolutions just laid before Parliament, was not adequate to the just claims of the sugar producers; yet that under existing circumstances it was not expedient to press for an alteration therein. He was bound to say that there was much doubt and difficulty as to West Indian sugar. The East Indians had an abundance of labour, and no one interfered with its employment; but it was not so in the West Indies. What was said by Mr. Deacon Hume on this subject? That gentleman said that the Legislature had taken the West Indian Colonies from the category of free trade, and that they could not call upon them to compete with the sugar of the world, as you prevented them going into the same market for labour. It was impossible not to admit the force and urgency of this statement, and he was sure that the noble Lord would do all that he could to give aid to the West Indians in this respect. He should support the Resolutions of the noble Lord; but he wished that some arrangement for a supply of labour for the West Indian Colonies had had preceded them. He conceived that it would have been more desirable if the West Indians had had two or three years before they were called upon to come into competition with the producers of slave-grown sugar. There was no indisposition on the part of the Coolies to go to the West Indies: they had been extensively introduced into three of these Colonies, and the arrangements had been perfectly satisfactory. It was, however, a great mistake to suppose that the labour of these Coolies was at all equivalent to that of Africans. When they talked of free labour he would say, "Do not let us have one-handed free trade." A year was not a very long time to wait, and before that time elapsed he hoped that the result of the reconsideration of the matter would be that the Government would allow sugar and molasses to be consumed in the distilleries in this country, and also that it would assimilate the duty on rum, and the home-made spirits in England, as well as in Ireland and Scotland. He saw no reason why the people of this country should not have a good and a wholesome spirit on equal terms with a bad and deleterious one. In conclusion, he would say only a few words on the Slave Trade and slave labour. He would ask the noble Lord who spoke so feelingly on our endeavours to put down the Slave Trade, what had been the result of these measures? He would ask whether those measures tended to ameliorate the condition of the slaves, or to diminish the Slave Trade? Look to the lamentable picture drawn by the late Sir Fowell Buxton, who stated that all that had been done for the suppression of the Slave Trade had been a magnificent failure. Had it stopped the cultivation of sugar by slaves? Look to the state of Cuba, in which this species of produce had sprung into existence since the steps this country had taken to put down the Slave Trade. Let the House regard the extraordinary fact he was about to relate. Thirty years ago Cuba imported sugar, as it did not produce nearly sufficient for its own consumption; and now it produced one-fourth of the consumption of the whole world. It formerly produced little or no sugar: it now produced 200,000 tons a year. Had it diminished the Slave Trade? They heard a good authority say that at the present time not less than 30,000 slaves a year were conveyed from Africa. We had tried these measures, but they had failed. It might be difficult to say what measures should be adopted; but if measures were tried and failed, it was clear that they were wrong. No man could tell *à priori* what would be the effect of legislation in a particular way; but it was clear that it was absurd to persevere in measures which were clearly wrong. He would in one sentence give his opinion as to the civilization of Africa. They had had expeditions into the interior of Africa with the view of promoting civilization; but he was convinced that the only chance that existed of introducing civilization into that large division of the world, was by the extensive introduction of Africans into the West Indies, and then returning them to Africa, carrying with them the blessings of civilized life.

Mr. G. W. HOPE had no interest either in the West or East Indies, and the only information he had on the subject was obtained when he held his late official appointment. But having seen the working of emancipation in the West India Colonies, and the exertions lately made by the planters there, he felt bound to declare his belief that they were not fairly open to the reproaches made against them of want of energy; for nothing could have exceeded their activity during the last three years, in their endeavours to overcome the difficulties of their position. The hon. Baronet who had just sat down had truly stated the position in which the planters had been placed by the effects of our legislation. Holding such opinions, he could not but wish that the hon. Baronet had declared he would follow them up by a corresponding vote. He (Mr. Hope) meant to vote against this measure, believing that towards the West Indian Colonies it was one of great severity, not to say of extreme injustice. It came, too, at the very time when the reviving energies of the colonists appeared likely to produce the most favourable results. It should be remembered that the Emancipation Act created one of the most remarkable revolutions in the history of society. It did not merely convert the slaves into free men, it at once made them masters. The immediate consequences had been such as much to interfere with the prosperity of those islands. But of late there had been much activity. It was a remarkable fact, that an increased rate of wages had gone on with an increasing population. The Creole population in the West India Islands had increased 100,000 since the last census. It appeared to him (Mr. Hope) that the important subject of the immigration of free labour had not been enough considered in the course of the debate. He denied that the modified assistance given by the late Government to immigration deserved to be described, in the words of the hon. Baronet the Member for Oxford University, as the foundation of a new kind of Slave Trade. With regard to immigration, it must be remembered that in Africa there were only masters and slaves, and the difficulty was to find free men, except just in our settlements. Purchasing slaves, and emancipating them, would but lead to the seller's making war upon his neighbours to get a fresh supply. The noble Lord's proposal of permitting contracts for a year would be altogether illusory; no employer could make a contract for one year that would remunerate him for the cost of the labourer's passage. In India it was very different: there was there an abundant supply of labour, though the hon. Baronet (Sir J. W. Hogg) could not be complimented on giving much help to render facility to that object. But there was no value at all in the noble Lord's proposition of contracts for one year. [An hon. Member: Five years would be better.] That would be a very different thing. Meantime an extensive immigration was going on upon the bounty system. But now, when those exertions were making, it was proposed to take away the inducement to continue them, and the reasonable profits of those who had begun them. Immigration, indeed, was not to be looked to as supplying the total labour of the West Indies; but by introducing a certain number, an amount of labour might by emulation and excitement be obtained from the negroes there, which wages alone were not found to procure. With regard to the Slave Trade, a stimulus would be given to it by this measure if the noble Lord was right in saying that the price of slave labour sugar would rise 25 per cent; and though the Chancellor of the Exchequer seemed greatly inclined to depart from that statement, it was borne out by others. He did not pretend to look upon the *status* of slavery with the horror that some persons did, or to regard it as utterly inconsistent with the Divine law; but he considered the Slave Trade as now carried on from Africa, and the stealing of men by which it was supported, to be as iniquitous as anything that could be conceived in human transactions.

SIR R. PEEL: Sir, the House will probably recollect—it has indeed been adverted to by the noble Lord the Member for King's Lynn (Lord G. Bentinck)—that at an early period of the present Session I announced the intention of the late Government to propose a measure with reference to the admission of foreign sugar, based on different principles from that which the noble Lord has proposed. The proposal which I intended to make on the part of the Government, was intended to give greater facilities and encouragement to the admission of free-labour sugar; and I have no hesitation in saying, that had that Government remained in office, the proposal which I should have made would have been identical with that which I announced in the early part of the Session. That measure, so proposed on the part of the Government, would have continued the exclusion from the markets of this country of sugar the produce of slave labour; but it would have admitted at lower rates of duty than the present, foreign sugar which is the produce of free labour, in competition with sugar the produce of our own possessions. And, Sir, having made that announcement, it is not without the greatest hesitation that I have come to a conclusion as to the vote which it will be my duty to give on the present occasion. I and those with whom I acted, always felt this question of slave labour, and the produce of slave labour, to be an exception from the principles which ought to govern our ordinary commercial policy. I thought we stood in a peculiar relation to our West India Colonies. The case of the East Indies differs materially in respect to the supply of labour from the West India Colonies. In the case of those Colonies you had emancipated from slavery the negroes on whose labour, in former years, the colonists had mainly relied for the supply of this country with West India produce. You had given to the holders of slaves a liberal, and, estimating it as to pecuniary amount, apparently a munificent compensation for the sacrifice of their property; but, however large that sum may have been, whether it was an adequate compensation for the eventual loss sustained, is a matter open to considerable doubt. Be that, however, as it may, you did subject the West India Colonies to great disadvantages in competing with those countries where slavery is still maintained. That peculiar relation in which you thus stood to the West Indies, appeared to us to justify a departure from ordinary rules, and to require in justice to those Colonies that at least a considerable interval should be allowed to elapse before they were required to enter into competition with countries placed under very different circumstances. Such also was the opinion entertained by one of the most strenuous and able advocates for the general application of the principles of free trade—I allude to Mr. Deacon Hume—who, as my hon. Friend who spoke last justly observed, always professed to consider the condition of the West Indies as forming an exception to the general rule. On that account, considering the difficulties under which they laboured, considering the great advantage to this country of promoting the welfare of that great portion of the Empire, considering the great importance of retaining the affections of that portion of our colonial empire, I deemed it to be perfectly justifiable to permit a considerable interval to elapse, in order to enable the West Indian proprietors to prepare to meet that formidable competition to which they must be exposed in the supply of sugar and other articles the produce of slave labour. We thought, also, that we stood in a peculiar relation to other countries with respect to the abolition of slavery. We had undertaken to constitute ourselves the police of the seas, for the purpose of suppressing slavery; we had departed from all those principles which generally govern our international relations; we had formed treaties with other Powers, by virtue of which they consented to abolish slavery, and to submit themselves to certain regulations with respect to the management of their own concerns, so far as slavery and the Slave Trade were concerned; we had established the right of search, and on foregoing the right of search in the case of France, we had stationed, in concert with France, an immense fleet on the coast of Africa for the purpose of preventing the transfer of the natives of Africa to other countries, in order that they might there labour as slaves. All this was a departure from the principles which ordinarily govern our international relations. We had a perfect right to abolish slavery for ourselves; but, influenced by the purest dictates of humanity, we had gone further—we had desired that our example should influence other countries, inducing them also to abolish slavery and the Slave Trade; and for the purpose of giving effect to our wishes, we did not merely rely on the force of international engagements, but we applied our physical power—we employed our navy for the purpose of destroying, if possible, the Slave Trade.

It did appear to us that there would be great inconsistency in taking these vigorous measures for the repression of a trade which we ourselves carried on under the sanction of the law but a few years since, and at the same time in giving, by any act of ours, encouragement to that trade; and with these impressions, had we remained in power, it certainly was our intention to have given a farther period to the colonists of this country, particularly to the West India Colonies, in order that they might be enabled to bear the competition with slave-labour sugar. From all that was said by the noble Lord (Lord G. Bentinck) with respect to the abominations of this traffic, I think it is impossible that there can be any dissent. Sir, it is utterly impossible to review the state of public feeling and public opinion in the Brazils, on the part of the proprietors of land, and on the part also of the Government of that country, without being shocked at their indifference to the monstrous evils and wrongs of slavery. The noble Lord gave, from one of the Papers laid on the Table of this House, a specimen of the horrors which accompany the Slave Trade. The House sympathized with the noble Lord in the observations he made with respect to these abominations; and if it could be shown that by raising the price of sugar to the amount of 1*d.* or 1½*d.* a pound, an effectual stop could be put to the horrors of that traffic, I agree with the noble Lord, that this country, which made a sacrifice of 20,000,000*l.* for the purpose of purchasing a right in the liberties and lives of their fellow creatures in the West Indies, would willingly submit to that further sacrifice. And I do not deny that, having apprehensions which many do not entertain with respect to the possible effect of the measure proposed by Her Majesty's Ministers, fearing it may at first at least give a stimulus to the Slave Trade, it is not without great reluctance that I have come to the conclusion to give my support to the proposal of the noble Lord.

I do so on this ground: I am forced to consider other than the mere abstract merits of the question. I am forced to consider the position of political parties, and the prospects of forming another Government, in the event of the overthrow of the present. I agree with the noble Lord the Member for Lynn, that there ought to be no sham and delusive opposition to the measure of the Government. If there be opposition, it ought to be an opposition disregarding the possible consequence of it, namely, that it might be fatal to the Government. I believe it might be possible by a combination of parties to displace the noble Lord; at least I believe it might be possible by such a combination to prevent the present success of the measure the noble Lord has proposed. I think it would be possible, by the union of different parties, by appeals to the feelings and passions of the people of this country, to raise a decisive but a temporary impediment to the success of the noble Lord's measure; but I feel bound to ask myself the question, "Is it consistent with my duty to sanction and be a party to that combination?" I think it is not. Sir, the Government with which I was connected, has been very recently displaced by a vote of this House, tantamount to a withdrawal of confidence. I yielded respectfully to that decision. The noble Lord was called on by Her Majesty to form an Administration, apparently with the general concurrence of this House. As one of the first acts of that Administration, the noble Lord has made a proposal for the final adjustment of this difficult and long-debated question. Surely we must have been prepared for such a proposal on the part of the noble Lord. I, for one, did not expect that the noble Lord would assume power without making a proposal for the settlement of this question. How could I have any doubt on that head? Last year, in the month of February, when I proposed, on the part of Her Majesty's Government, that foreign free-labour sugar should be admitted into consumption in this country at reduced duties, the noble Lord moved an express Resolution that the attempt to discriminate between free-labour sugar and slave-labour sugar was deceitful and illusory; that no distinction could in justice be maintained; that the attempt to maintain it would be injurious to the revenue, would confer no benefit on the consumers; and that therefore it should be given up. That was the purport of the Resolution which the noble Lord, in the month of February, 1845, submitted to the House. In the course of the present year, after the statement which was made by me as to the policy of the late Government on the sugar question, the same noble Lord, before the Whitsuntide recess, gave a distinct intimation that he would move a resolution to this effect, "that the distinction between the produce of slave labour and free labour ought not to be maintained." The noble Lord gave also a distinct notice that, in the event of that principle being affirmed, he would make the very proposal which is now under debate, namely, that at a period to be fixed, all discriminating duties between foreign sugar and sugar the produce of British Colonies should be abolished. Nor is this all. In the course of the last year, the noble Lord the Member for Tiverton (Lord Palmerston), acting in concert with his party, placed a construction upon the Treaties with Spain different from that which the Government placed on those treaties. In the opinion of the noble Lord, not only considerations of good policy, but considerations of good faith, prevented us from excluding the produce of the Spanish Colonies, sugar among the rest, from the markets of this country. Could I then doubt that when these noble Lords were called to power, one of their earliest acts would be a proposal to the House of Commons to follow that course which they had uniformly advocated, not merely on the ground of public policy, but of national good faith? It was for the noble Lord to determine on his accession to power whether he would at once adopt that course, or take time to consider and adjust all the parts of a very complicated question. The noble Lord resolved to proceed at once; but whether he proceeded at once, or delayed his measure till next Session, was a mere question of time, not a question of principle. I distinctly understood that on the accession to power of the noble Lord, he and his friends were pledged to bring in a measure for the abolition of the discriminating duties between foreign free and foreign slave-labour sugar. And it is perhaps better that this question should be met at once, than that the country should be left in uncertainty as to the course which is to be adopted. In some respects there would be advantage, no doubt, in delay, because there are parts of this measure that require very serious consideration, and which I hope will yet receive it from the noble Lord. There is the question of the admission of sugar and molasses into distilleries, and there is also the adjustment of the spirit duties in the several ports of the United Kingdom. These are points which require very full deliberation, and to which I trust the noble Lord will apply his mind. There is also the still more important subject of supplying additional labour to our Colonies. I confess I have less sanguine hopes than many as to the extent to which this can be done. Give every encouragement you can to the immigration of free labour; disregard, as I think you ought, imputations that you feel to be unfounded, such as that you are encouraging the Slave Trade by so doing. Place the free labourers resorting to your Colonies in an advantageous position, and treat them with every regard to justice. But with all the encouragement you can give, I am afraid there are many difficulties to surmount. Speaking in the first place of the West India Colonies, the expense of bringing there the natives of Africa is very great; and observe, unless you accompany the immigration of the males with a proportionate supply of females, you encounter the risk of appalling evils. For the purpose of promoting the ultimate success of the experiment, it is of the utmost importance that there should be a due proportion of females to the males introduced into your Colonies, increasing considerably the expense of immigration. Therefore it is that, entertaining less sanguine expectations of the effect of the introduction of free labour than others entertain, I hope the noble Lord and Her Majesty's Government will maturely consider whether there are any equivalent advantages which they can give the West India proprietors which, on the abolition of protecting duties, may enable them to enter into competition with those who have slave labour at their command.

I return, however, to the question—Am I justified in entering into a combination for the purpose of displacing the noble Lord from the Government within six weeks from the period at which he acceded to it? Gentlemen seem to think that they may safely enter into that combination, for that the noble Lord will retain office notwithstanding defeat on this measure. I know not how the noble Lord would act; but I think the noble Lord, under the circumstances in which he accepted power, being defeated in so important a measure as the present, would be fully justified in resigning office. Those who would, through a party combination, compel him to abdicate power, are bound to ask themselves whether, in the event of success, they are prepared to undertake the Government. There are circumstances in the history of every country when that question must be answered by those who enter into combinations to subvert a Government. Two Governments have existed within the last six weeks. Shall we have a third? If so, on what principle is it to be formed? Shall it be the restoration of the late Government. [" No, no!"] I entirely concur in that sentiment. I think with you who cry " No," that if the late Government, having withdrawn from office in consequence of a vote which proved that it had forfeited the confidence of this House, were now to take a course by which at the end of six weeks it might be restored to office, it would be doing that which would be altogether discreditable. What prospect is there that that Government would have increased facility for governing this country? I believe none; and therefore I will not be a party to the displacing of the Government of the noble Lord, with a view to the restoration of the late Government. Well, then, with respect to a Government to be constituted of others, the advocates of protection, I mean to speak of them with the respect that is due to their consistent and conscientious advocacy of their own opinions; but they cannot be surprised that I refuse to lend myself to a measure which might have the effect of placing in power those who are not merely the advocates of protection, as an abstract principle, but who avow their desire to recall and revoke the great change in our commercial policy which has lately been made.

Seeing, then, no prospect of establishing an efficient Administration on any principle of which I could approve, I will be no party to an act which might and, in my opinion, ought to displace the noble Lord after a few weeks' tenure of power. I see nothing to be gained by it, so far as the general interests of the country are concerned. Still it may be contended that the defeat of this measure, and a change of Government in consequence, will at least effect one great object—it will prevent the admission of sugar the produce of slave labour. Now if it could be shown that after the defeat of the noble Lord and his retirement from power, a Government could be formed which would be enabled permanently to resist the introduction of slave-labour sugar into this country, then I should admit that the Member for the University of Oxford, and those who sincerely concur with him in thinking that at all risks slave-labour sugar should be excluded from this country, would be justified in adhering rigidly to their principle. But I greatly doubt whether in the present state of public opinion, in the present state of parties, and after the recent changes in our whole commercial policy, any Government that could be formed would be able permanently to resist the introduction of slave-labour sugar? The Resolution proposed by the noble Lord (Lord George Bentinck) does not affirm that slave-labour sugar shall not in any case be introduced into this country; it does not even lay down the principle that we will maintain the *status quo* as to foreign produce, and continue to take cotton and tobacco the produce of slave labour, but that we will go no further. In fact the Resolution is very much the same in substance as that of the noble Lord the Member for Liverpool, in 1841. It leaves the continued exclusion of slave-labour sugar into this country mainly dependent on the supply there may happen to be of free-labour sugar. The noble Lord's Resolution is this—

> " That in the present state of the sugar cultivation in the British East and West India possessions the proposed reduction of duty upon foreign slave-grown sugar is alike unjust and impolitic, as tending to check the advance of production by British free labour, and to give a great additional stimulus to the Slave Trade."

Observe the words: " In the present state of sugar cultivation." If, then, a change should take place in that state of cultivation—if the produce should fall greatly short of the demand, and prices become in consequence greatly increased, the noble Lord's Resolution does not exclude the introduction of slave-labour produce into this country. What confidence can the colonists have in this proposition? What assurance can you give them of the permanency of such a system? There might be a complete change of circumstances. The estimates of the supply of sugar which the noble Lord has formed for this year might not be justified; the actual production of our Colonies might be much less than he has anticipated; and whenever that result shall follow, the colonists must have reason to think that the country would not bear the consequent high price of sugar, but would inevitably seek some reduction of that price by the admission of slave-labour produce. As then, you do not venture to affirm the principle that under no circumstances will you admit slave-labour sugar—as you merely make the exclusion of slave-labour sugar dependent on the "present state of the cultivation of sugar" in our colonial possessions; you do not give to the colonists any assurance that they may safely rely on the continuance of their present amount of protection. Now, all parties, both West Indian and East Indian, attach great importance to a permanent law on this subject; and the proposition of the Government has this advantage over the proposition of the noble Lord, that it guarantees to them, at any rate for a certain period, a qualified protection for their produce; providing at the same time that there shall be a free importation of all sugar into this country at an equal rate of duty at the expiration of that period. Now to that consideration of certainty I apprehend they attach the greatest importance. But, unless you are willing to consent to something of this sort—to something like the measure of the Government in principle—can you expect to establish a permanent law in the place of that law which at present is only of annual duration? I did not expect to pass a permanent law this year had I remained in office. I only contemplated a measure for continuing the Sugar Duties for a year; and I greatly doubt if any Government that could be called to power could pass any other than the usual annual Bill—if they did not attempt the permanent adjustment of the question. We cannot deny that there is great evil in the uncertainty that must attend annual legislation on such a subject—great evil as regards the Slave Trade, and the condition of the slaves themselves? What would be the natural consequences if the slaveholder of Brazil and Cuba, observing the state of public feeling in this country, should find that the question was yearly made the subject of bitter controversy in this and the other House of Parliament? He would never cease, as long as that state of things remained, to cherish the hope that his produce would at length be admitted into this country, and that the price here must, sooner or later, rise so high that the Legislature must admit his produce in deference to the wants and wishes of the public. But if that would be the feeling of the slaveholding States and Colonies, what would be the feelings of our own colonists? They would always be oppressed with the fear that they might at an early period be subjected to competition with foreign slave-labour produce; and they would, in consequence, never know when they might invest capital or enter upon fresh enterprises with security. The noble Lord (Lord G. Bentinck) has great expectations of the large importations which are to come in from the East Indies; but surely those expectations of the noble Lord's would be confirmed by the salutary operation of a permanent measure. That particular species of cane of which the noble Lord spoke would be cultivated with greater security were the intentions of the Legislature on the subject of the Sugar Duties finally made known. So with the West Indies, the application of capital, the extended use of machinery, must labour under great discouragement so long as, owing to the nicely balanced state of parties in Parliament, and the state of the supply of sugar in this country, it is always uncertain whether slave-labour sugar may not be introduced to compete with their produce. I think, then, the hour is come for a change of the law in respect to the Sugar Duties, and that those of us who are the most anxious to discourage slavery and the Slave Trade, must consent to the effort to beat slave labour and the slaveholders' capital not by prohibitory duties, but by means of competition with free labour. I believe, upon the whole, in the present state of opinion in this country, and in the present state of parties in this House, there may be a better chance of controlling slavery, by giving to free labour other encouragement than prohibitory duties. I will not enter into the details of the noble Lord's plan. My earnest hope is, that the noble Lord will consider that the great object to be aimed at is to make a final and satisfactory settlement; and that he will listen with attention to any proposal which, insuring the abolition of distinctive duties at an early period, and therefore preserving the great principle of his measure, will enable free-labour sugar successfully to compete with slave-labour sugar. I give those opinions without any party motive. Being resolved to support the noble Lord's measure in substance and in its general outline, I do not intend to embarrass him by vexatious opposition on details. The advice I give is *bonâ fide* advice—that, aiming at the ultimate abolition of distinctive duties, the noble Lord will at the same time do ample and liberal justice to those who have formidable competition to contend with. This will be the most certain method of ensuring the ultimate success of the great principle for which the noble Lord contends. Entertaining these opinions, entertaining also the sincere belief that at no remote period this measure, if it be obstructed now, must be ultimately carried, and that the period of uncertainty and suspense will be fraught with great evil—believing if the measure is to be finally carried, that there is no one better entitled to the credit attaching to success than the noble Lord, I have come to the resolution, though not without reluctance and doubt, to give my support to the principle of his proposal.

Sir T. ACLAND expressed his extreme regret that the right hon. Baronet should have placed the question now before them solely upon consideration of the state of parties in that House, and the way in which Government would be affected by their particular vote—the very last consideration which ought to influence them. He (Sir T. Acland) begged to disclaim, in the strongest manner, any wish to give a vote which would imply hostility to his noble Friend opposite (Lord J. Russell) or his Government. He believed their intentions, as regarded their general course of policy, were moderate, and he was prepared to give them a fair trial; but he thought it unfortunate that his right hon. Friend (Sir R. Peel) should have placed the decision of this particular question on party grounds. He admitted that the considerations to which his right hon. Friend had referred in the latter part of his speech, always entered more or less into the decision of every great question; but this might be carried too far. If no adverse vote ought to be given for fear of affecting the existence of a Government, where was the use of their sitting there in deliberation at all? He took leave to say that this applied to both sides of the House, and that it applied, and had applied, with much greater force since the passing of the Reform Bill. They took the mass of the public into their confidence, when by that Act they made a wider constituency; and after that, was it to be expected that the leaders of parties were to dispose of their general policy or party principles in the way they used to do in former times? And if they consulted public opinion, it would never do for that House to govern their proceedings by considerations of displacing this or that Government. For himself he would give his vote upon the whole consideration of the question; and that should be against opening the English market to sugar, obtained at the price of all the evils which it had been the policy of this country for the last thirty years to put down at every cost, excepting that of character.

Debate adjourned.

House adjourned at a quarter past One o'clock.

HOUSE OF LORDS,

Tuesday, July 28, 1846.

Minutes.] Public Bills.—1ª· Books and Engravings; Sugar Duties (No. 2); Tithe Amendment Act.

2ª· Gauge of Railways; Small Debts.

Reported. Battersea Park.

Petitions Presented. By Lord Campbell, from Leeds, and several other places, in favour of the Small Debts Bill.—By the Bishop of Norwich, from the Enon Chapel Congregational Temperance Society, New Church, Marylebone, for the Better Observance of, and against the Sale of Intoxicating Liquors on the Sabbath.—By Lord Brougham, from Messrs. Watts, complaining of the Baths and Washhouses Bill.

The House met at Five o'clock.

BATHS AND WASHHOUSES.

Lord BROUGHAM presented a petition from William, Joshua, and Thomas Watts, proprietors of the cold and swimming baths in the City-road, known as Peerless-pool, complaining of the Baths and Washhouses Bill. The petitioners stated, that the Bill had been introduced under the false pretence of providing baths and washhouses for the use of the poor—an inestimable benefit (the noble and learned Lord observed), but at the same time one which ought to be established upon a due principle, and supported from proper funds. The washhouses of which the petitioners complained were to be established by means of the poor-rates, a revenue which was levied for a totally different purpose, and which was never intended for any other purpose than the sustenance of the poor. These new baths under the Bill were, he understood from the petition, to be created partly for the use of the middle classes, who were to pay for them at least to some extent; there would therefore be a probable deficiency in the receipts; this deficiency, as the petitioners stated, was to be made up out of the poor-rates. It was of this that the petitioners complained. They were ratepayers, and they had a right not merely to ask, as they did, for compensation, but they had a right to demand that the Bill be rejected altogether.

The Earl of RADNOR said, that it would be much more convenient if the noble and learned Lord would not speak when a petition was put into his hands as if he spoke from a brief; for he believed that the Bill would be found to be very different from what the noble and learned Lord anticipated. It was true that money for this purpose was to be raised on the security of the poor rate; but then it was a loan, which was to be repaid out of the profits of these baths and washhouses.

The Bishop of LONDON said, that he believed these baths and washhouses would return from seven to ten per cent., and therefore he thought that no fear ought to be felt with respect to the proposed mode of raising this money. He hoped that the noble and learned Lord would not oppose the Bill, for he was convinced that it would confer the greatest benefit on the working classes.

The Marquess of LANSDOWNE observed that any measure whatever which might be introduced for the establishment of baths and washhouses must materially affect the interests of individuals; and that happened in the case of schools, colleges, or any other public establishment of a similar character. He believed that the establishments intended to be created under the Bill would very speedily maintain themselves; it was quite a mistake to suppose that they were to be maintained out of the poor rates.

Petition to lie on the Table.

GAUGE OF RAILWAYS BILL.

The Earl of CLARENDON moved the Second Reading of this Bill, the object of which merely was to carry into effect the recommendations made by the Commissioners on this subject. There were certain Amendments which, as he should propose them in Committee, he should not think it necessary to mention now.

Lord KINNAIRD said, that he should oppose the Bill, but he would reserve his objections to the Committee.

The Earl of SCARBOROUGH said, that he could not find one word in the Report of the Commissioners which would justify this Bill. He had paid considerable attention to this subject, and he found that accidents were much more numerous on the narrow gauge than on the broad gauge. The noble Earl then read some extracts from returns showing the number of passengers killed and wounded on the lines adopting the broad narrow gauge.

Lord BEAUMONT complained of the unsatisfactory nature of the Report made by the Gauge Commissioners, who had indicated in their report that an intermediate gauge would be the best course which could be adopted; that the broad gauge was next preferable; but that the narrow gauge was least preferable of all; and yet, in their report they had passed over both the best and second-best courses, and recommended the adoption of the worst of all. He thought it would have been better if the Commissioners had not meddled with the subject at all. With regard to the Bill before the House he should not move its rejection; but if any other noble Lord would make that Motion, he would vote for it.

Lord REDESDALE did not think the narrow gauge was the worst of all, nor did the Commissioners express such an opinion; they stated that the broad was superior to the narrow in point of power and speed. Their Lordships were only interested in the question of speed; but those interested in the conveyance of merchandise, and the economical management of railways, saw many advantages in the narrow gauge over the broad. The fault of the Commissioners was, that they did not say what medium gauge should be adopted; at the present moment Parliament stood without a guide between the two systems. He should recommend the President of the Board of Trade, during the vacation, to obtain a report from all the great engineers of the country of what gauge would be the best; he believed their report would be nearly unanimous as to what gauge they ought to lay down for all lines in future. He trusted that powerful Company, the London and Birmingham, would have the courage to adopt of themselves a better system; he advised them to do it for their own advantage; he was perfectly confident the public would not be content to travel at the limited rate of speed of the narrow lines, when they saw the superior rate that could be attained on the broad. Parliament, too, was composed of persons who liked to travel fast, and it would be difficult for it to stand long against the quicker rate. If it was decided that a medium gauge of six feet would be preferable to the narrow, and it was proved that it could be laid down, and acted on, Parliament might say that all other lines should be made upon that gauge only. If that was followed out, the country would have a uniformity of gauge, instead of proceeding upon the present miserably confused system, which was getting worse and worse every year, instead of better. He should not oppose the Bill; on the contrary, he thought it desirable at the present moment that it should pass, as it was desirable to place a check on speculation entered into merely for the purpose of what was called "invasion."

The EARL of CLARENDON admitted that nothing could be more desirable than a uniformity of gauge; nothing could be a greater mistake than not adopting it. But they were not now adopting a system for the first time; the question was, how should they deal with existing circumstances? How were they to meet the difficulties in which they had rashly entangled themselves? Their Lordships must remember that above 2,000 miles of railroad had been laid down upon what the noble Lord called the worst gauge in existence; but it was by no means proved that it was the very worst. The Commissioners entered minutely into the qualities of the two gauges, and they stated, that except in the point of speed, the narrow gauge was at least equal to the broad, if not preferable, on account of its cheapness and convenience for the conveyance of luggage. Moreover, it had been shown that all the foreign engineers who came to this country to examine the different sytems before laying down lines on the Continent, after comparing the two gauges, had everywhere adopted the one the noble Lord called the worst. Though it might be very desirable for Parliament to get a body of engineers to make a report, yet he did not believe the result would do anything but increase the confusion. There was not a single engineer who had not been examined before some Commission or Committee, and there were scarcely two of them who agreed in opinion respecting the gauges. The Bill was strictly founded upon and confined to the Resolutions introduced by the late Government, and unanimously adopted by both Houses of Parliament; he had no option but to frame the Bill in exact accordance with those Resolutions, and to submit it for approval; it was most desirable it should pass, and he certainly intended to persevere with it.

LORD KINNAIRD thought further inquiry ought to be instituted. The noble Earl asked how were they to deal with existing circumstances; no inquiry had been made as to the mode of dealing with them. Would the Government support him if he moved for a Committee to inquire into the possibility of establishing an intermediate gauge? Evidence could be produced that it was perfectly possible to alter the narrow gauge to six feet; at the speed of fifty or sixty miles an hour the narrow gauge was not safe; he did not think the public would long endure the comparative inferiority. In Committee, he should be inclined to move the rejection of the Bill; there were companies in process of amalgamation, from Inverness to London, anxious to lay down a broader gauge, and he feared, when they came before Parliament, this Bill might be made an obstacle in their way.

LORD PORTMAN was not surprised that engineers should report in favour of an intermediate gauge, as the whole lines would have to be reconstructed. As an inhabitant of the west of England, he was anxious that the recommendations which had been offered should be carried out, and the means of communication perfected with that part of the country. He should be glad to see the Government empowered to carry out the recommendations to which he referred.

LORD CAMOYS feared the alteration to the intermediate gauge would be most expensive, as it would be most expensive. It was a question for consideration whether the Bill should not be postponed to next Session.

EARL GREY differed from his noble Friend who had spoken last, for he thought it absolutely necessary that something should be done without one day's delay. It was admitted, on all hands, that the break of gauge was not only an inconvenience, but a great national misfortune. Wherever it occurred, it was found detrimental to the public interest. It was notorious that attempts were making, which, if successful, might lead to break of gauge where there was none at present. There was an attempt to purchase a line in the west of England, for the purpose of hermetically shutting the Great Western. One clause in the Bill prevented the accomplishment of such a design by prohibiting any change of gauge in the mean time. He could not help thinking the present arrangement as to the gauge of railways very imperfect. The Commission of last year worked in a very unsatisfactory manner. They recommended measures which would go to perpetuate the break of gauge; but he should not be satisfied with any permanent arrangement which did not do away with that evil. How it should be corrected he was not prepared to say; but so far as an inexperienced person could judge, he thought there were many reasons in favour of an intermediate gauge. A Commission appointed in 1838 recommended an intermediate gauge for adoption in Ireland; and many engineers, not taking a strong interest in any existing railway on either the broad or narrow gauge, had stated, upon reasons which appeared to him exceedingly good, that an intermediate gauge would be attended with very great advantage. Mr. Cubitt had stated, that at no very great expense it would be practicable to alter the present gauges to an intermediate gauge. The Commission of last year dismissed that suggestion in far too summary a manner. They had had enough of Commissions; and he thought that the engineers of the different lines might be able to suggest an arrangement which would be satisfactory.

Lord KINNAIRD had feared that the first clause would prevent the question from being opened again; but after what had been stated, he did not intend to persevere in his proposition.

Bill read 2ª.

SMALL DEBTS' BILL.

The LORD CHANCELLOR, after presenting several petitions in favour of this Bill, moved that it be now read a Second Time. The scheme proposed in the present Bill had its origin in the Report made by the Law Commissioners in 1833. The present Lord Chief Baron and Mr. Justice Wightman were members of that Commission, which, after a diligent examination of the whole subject, recommended a plan identical with that now submitted for their Lordships' approbation. The recommendation could come from no higher authority. In 1839, a Bill was introduced in the House of Commons for the amendment of the law relating to the recovery of small debts, which was referred to a Select Committee, of which the late and the present Home Secretaries of State were Members. The whole subject was reconsidered, and the result was the adoption of the scheme set forth in the Report of the Commission above mentioned; and the Bill, as altered by the Committee, was adopted by the House of Commons, but the pressure of business prevented the Bill being carried into effect during that Session. At the commencement of 1842, he (the Lord Chancellor) introduced a Bill founded on the same principle, and designed to carry the same plan into effect; but it was stopped in its progress by the announcement that the late Government meant to carry into effect a similar Bill; and in the June of that year a Bill was brought in by his noble and learned predecessor, embodying the identical provisions of the present one. The Bill passed through that House, and went down to the Commons; but, owing to the pressure of public business it met the same fate as the antecedent one. Nothing further was done upon this subject until June of this year, when the Bill to which he was now calling their Lordships' attention was introduced by the noble Duke the late President of the Council. Upon examination it was found to contain the same provisions as those recommended in the Report of the Commission of 1833, with the Report of the Committee of 1839, and with the various Bills brought in by successive Governments. Knowing, therefore, how much the country stood in need of such a measure, and seeing that successive Governments had directed their attention to the same object, and having had repeated and numerous applications for separate Acts of Parliament for the establishment of local courts, which had been stopped by the expectation of a general measure, he thought it his duty, notwithstanding the late period of the Session at which they had arrived, to urge on their Lordships the necessity for carrying this measure into effect. Having stated the origin of the Bill, he would now shortly describe its nature; and he would in the first instance mention what was the present state of the law. County courts for the recovery of small sums were of very early origin; the earliest of which they had any record, was in the reign of King Edward I. The amount over which they could have jurisdiction was fixed at not exceeding 40*s.*, then no inconsiderable sum, and stated in the Report of the Law Commissioners to be equivalent to 20*l.* of the present day. The nominal amount had never since been altered—the county courts were still confined in their jurisdiction to 40*s.* But although the amount remained the same, the expenses of prosecution were very much altered; sometimes the expenses amounted to 6*l.*, so that it was little wonder a man would rather forfeit a debt of 2*l.* than incur costs amounting to 6*l.* There were many courts of a similar character which existed by prescription. Manorial courts were of very ancient establishment, and though the sum they had jurisdiction over was small, the costs were always large. The difficulty and hardship of proceeding in these courts, led to many applications for local Acts of

Parliament, for the purpose of establishing others in the districts in which they were found necessary. In consequence, courts of conscience, or courts of request, as they were called, had been established in many places. It frequently happened that these courts were presided over by commissioners altogether ignorant of the law; but unfortunately too often acquainted with the parties who came before them. It would be, therefore, necessary to appoint competent judges in whom the public could place confidence. If anything were wanting to show the necessity there existed for establishing judicatories for this purpose, it was abundantly manifest in the number of these courts of request which had obtained private Acts of Parliament. The process for obtaining one of these Acts was a slow and an expensive one to the petitioners, and the maintenance of the courts involved a considerable expense. Taken altogether, there were about 100 of these small debt local courts, of which since 1801 forty-six had been established under local and separate Acts of Parliament. A map had been published, by which their Lordships would at a glance see those which existed, and those places in which the want of them was felt. That want was especially experienced in the manufacturing districts, where the population was dense. Many of these districts, as well as many of the central districts, were now without any such court, and the greatest inconvenience was sustained. Having thus stated the evil, about which there could be no dispute, the next question was, how to provide an adequate and an efficient remedy. The number of judges at present presiding over these courts, he had ~~not~~ been able to ascertain, because many of them had no judges at all, but were presided over by commissioners, and in many cases one judge presided over several of these courts. He proposed to restore the original jurisdiction to these courts, namely, giving them power to decide now, for the same amount as they did, in fact, though not in name, in King Edward's time, namely, 20*l.* When the debt was over 20*l.* their jurisdiction would not apply. It might be said that parties could now apply to the superior courts at Westminster Hall for the recovery of any sum between 2*l.* and 20*l.*; but the fact was, that the expense attending process in those courts was so great, that where the sum was under 20*l.*, the judges discouraged proceeding there. These superior courts were inapplicable to small matters, so that there was, in some instances, what amounted to a denial of justice. The scheme he proposed was, that the Queen in Council should divide the country into districts, and establish courts in those districts according to the wants of the people. In the densely populated manufacturing parts, those districts would be, of course, much smaller than in the more thinly populated agricultural counties. His object was to place those courts within a reasonable distance of one another; but although there would be a very large number of districts, it did not follow that there would be a corresponding large number of judges. He could not state exactly the number of districts; but he did not think it right that a poor man in a rural district should be obliged to travel more than ten miles to get justice. As regarded the number of judges, he could not fix it; but, as he had already observed, they would not correspond with the number of courts, for these courts would not require to be always sitting; once a week or once a fortnight might be sufficient, according to the occasion; and when the judge had disposed of the business in one place, he could go to another. In this way justice would not be denied, delayed, or obstructed. He proposed to continue the present judges in all cases; and that as many more might be appointed as were needful for the due discharge of the business. He thought a much greater number of those judges would not be requisite than those which were actually in existence. There were at present forty or fifty judges in these courts, who were duly qualified—he meant in such of these courts as had been established by recent Acts of Parliament. It had been suggested that the appointment of these judges ought to rest with the Lords Lieutenant of the various counties; but he did not think such a disposal of patronage would be proper, for he could not see how Lords Lieutenant of counties could be competent to select fit and proper persons to preside over legal tribunals. He was of opinion that the appointment should rest with the Lord Chancellor or the Secretary of State for the Home Department for the time being. He did not covet the office, for he had often found such selections an invidious and a disagreeable task. There were clauses in the Bill by which the provisions of various recent Acts of Parliament, in regard to the recovery of small sums, were re-enacted. In proposing this Bill, he did not mean to trench in any way on the recent Acts respecting insolvency or bankruptcy, which had of late years obtained the sanction of the Legislature, though he must at the same time observe, that he by no means approved of these Acts, which were inconsistent and contradictory in many of their provisions; and it frequently happened under them, that three or four totally different systems were applicable to the same case. These Acts, he must say, in passing, required revision. He would not say more at present. The evil he proposed to remedy, was great in its nature, and generally felt—it had crept throughout the country, and required an immediate remedy. He trusted, therefore, that their Lordships would concur with him, notwithstanding the lateness of the Session, in the propriety of passing this measure into a law before its close.

Bill read 2ª.

House adjourned.

HOUSE OF COMMONS,

Tuesday, July 28, 1846.

MINUTES.] PUBLIC BILLS.— 1º· Insolvent Debtors Act Amendment.

Reported. Militia Ballot's Suspension.

3º· and passed. Sugar Duties (No. 2).

PETITIONS PRESENTED. By Mr. Busfeild, from Inhabitants of Bradford, for Inquiry into the working of the Anatomy Act, with a view to its Repeal.—By Mr. G. W. Hope, from Southampton, and by Mr. M'Carthy, from Cork, in favour of the Baths and Washhouses Bill.—By Mr. O'Connell, from Noblemen, Gentlemen, and others interested in improving the Salmon Fisheries of Ireland, for Alteration of the Fisheries (Ireland) Bill.—By Mr. O'Connell, from Thomas Brodigan, of Piltown House, Meath, respecting Access to the Holy Sepulchre of Jerusalem.—By Mr. Allix, from Inhabitants of Cottenham, for the Establishment of Local Courts.—By Colonel Fox, from Southwark, for the Redemption of Tolls on the Metropolitan Bridges.

SOUTH AUSTRALIA.

MR. DIVETT begged to ask the Under Secretary for the Colonies, whether it were or not the intention of the Colonial Office to sanction the regulation made on the 3rd day of March last, by the Governor of South Australia, respecting future land sales in that Colony, which, according to the last Report of the Colonization Commissioners would seem to have been drawn up under the direction of Lord Stanley, and in contravention of the decision of that House upon the Land Bill introduced by order of that noble Lord?

MR. HAWES replied, that the last despatches received did not come down to a sufficiently late date to enable him to answer the inquiry. As to the regulations, however, it would be for the Secretary of State to consider them when they arrived, and to sanction them or otherwise as he should think fit.

MR. HUTT begged to ask his hon. Friend whether it appeared from the Papers in the Colonial Office that any such regulations as those alluded to had been drawn up by the noble Lord, and forwarded to the Colony? Probably so much might be at once ascertained without waiting for the arrival of despatches.

MR. HAWES said, that it would appear that some regulations had been authorized to be forwarded.

MR. HOPE begged to offer a few observations upon the subject. It should indeed probably be expected that he should not remain silent whilst it was under discussion. He was indeed compelled to offer some explanation. He must complain of the terms in which the hon. Gentleman had clothed his question. He had in fact made it a sort of speech for which he had obtained a place upon the books of the House, and a speech too to which no reply could by any possibility be made. He (Mr. Hope) should say that the hon. Gentleman had made use of a most improper, or rather he should probably have called it an indiscreet exercise of his power. It was not only an unfair mode of proceeding, but the allegations were unfounded in fact. The Land Bill, introduced by his noble Friend (Lord Stanley), and which had been opposed by his hon. Friend the Under Secretary for the Colonies, in an Anti-Corn Law speech, had for its object the reserving to the Crown its rights over all mines and minerals under the land sold to the colonists. For reasons totally unconnected with those alleged in opposition to it, that Bill was withdrawn. But the opinions of the law officers of the Crown were first taken with regard to the rights of the Crown, and they were clearly of opinion that those rights were sufficiently good and clear to render such an Act unnecessary. In the regulations for the future arrangements, all, therefore, that his noble Friend (Lord Stanley) had done, was to declare the rights of the Crown reserved, but without seeking to do so by the authority of a declaratory Act of Parliament.

WAYS AND MEANS—SUGAR DUTIES—ADJOURNED DEBATE.

MR. P. MILES resumed the Adjourned Debate by stating that it was not with the view of protracting the discussion at this late period of the Session that he had moved the adjournment of the debate on the preceding night. It was because he thought that, under all the circumstances, a fair division could not be taken upon it, that he wished to adjourn it; and he thought that it was for the interest of all parties that an adjournment should take place. He could assure the House and the noble Lord, that it was not his intention to offer any useless opposition to the Bill, because he did not think it right unnecessarily to protract the business of the House. He could not admit that the measure would confer a great benefit upon the country, as the noble Lord had stated; and it was because he considered it would do precisely the reverse—because he considered it would give a great stimulus and a great encouragement to the Slave Trade, that he was about to support the Resolution proposed by the noble Lord the Member for Lynn. He confessed he was astonished to hear, on the previous night, the noble Lord the Member for Liverpool—he who had moved the celebrated Resolution in 1841—assent to the proposal of Her Majesty's Government. He must say, he was not prepared to hear him give such reasons for the vote he was about to give. Neither was he prepared to hear the right hon. the Chancellor of the Exchequer, in a speech of great ability, tell the House that he rejoiced to be able to say, that he looked forward to receive a large increase to the revenue from the source of foreign grown sugar. The debate of the last night had turned not so much upon the state of the West Indian Colonies, as upon other branches of the question; and it was because he was deeply interested in the welfare and condition of those Colonies that he felt unwilling that the House should come to a decision last night, before he had stated what he knew concerning their condition, and the probable effects of the measure upon them. From all that he had learned from practical people on the subject, and from what he knew himself, he should say that he believed the effect of the measure upon those Colonies would be to throw a vast number of estates altogether out of cultivation. All the estates that were of barren and inferior soil, and which had not the advantages of proximity to shipping, would be thrown out of cultivation. He would take, for instance, the island of Jamaica. In that island there were, he believed, in present cultivation about 400 estates; and he had been assured, by gentlemen conversant with this subject, that of them, from 150 to 200 would be thrown out of cultivation by this measure. He contended that the present wretched condition of the West Indian Colonies was owing to the conduct of the Legislature, which had hitherto refused to listen to the complaints of the colonists. He asserted that it was want of labour in sufficient quantity, and the consequently high price of it, that was the prime cause of the wretched condition of the Colonies. He would instance the products of three estates in Jamaica. In 1842, they produced but 75 tons of sugar; in 1843, they produced 100 tons, after having introduced some liberated African colonists; in 1844, 40 or 50 African boys were added, and the produce rose to 300 tons; in 1845, 182 Coolies were introduced, and the produce became 400 tons; whilst, in 1846, the crop of the present year, just finished, amounted to 450 tons, notwithstanding the extreme droughts. The returns from Barbadoes, lately laid before the House, showed that since emancipation the crops had rather increased than diminished, and that wages had also increased; but, unfortunately, since the emancipation the negroes in the West Indies had had their employers completely in their power. What the Colonies wanted, and what they asked for, in order to produce an abundant supply of sugar, was an unlimited supply of labour. The fault lay not with the planter, but the Government. He was exceedingly sorry to hear from the noble Lord that he would not permit the emigration of labourers from any part of the African coast on which the British flag was not flying. He thought labourers should be at full liberty to come from any part, under such guarantee as to personal liberty as the Government should think fit to appoint. Were it not for the unparalleled drought which had been felt in the West Indies this year, the crops would have been greater than at any former period; and it really would be very hard, that because they had been so unfortunately visited, they should be brought into competition with slave labour. The truth was, that a Government ought to adapt its excise to its reforms, and not its reforms to its excise; and though he did not pretend to decide whether it were better for this country to have a few large capitalist distillers, or many distillers with smaller capitals, sure he was that the West India interest ought not to be sacrificed to one or to the other. He had always held that emancipation had fully answered its purpose; and from what he had seen in Cuba, Louisiana, and elsewhere, he was satisfied that free labour was cheaper than slave labour. Nevertheless, he was convinced that the admission of slave-grown sugar would not only throw estates out of cultivation, but give a stimulus to the Slave Trade. The increased importation of sugar to the extent of 50,000 tons, contemplated by the noble Lord at the head of the Government, could not be accomplished without giving a new impulse to slavery. True it was, that we admitted slave-produced cotton, tobacco, &c.; but there was no doubt that a refusal to admit slave-grown sugar had materially tended to check the Slave Trade. If Great Britain consented to receive slave-grown sugar, it was merely idle to keep up her expensive extensive establishment to put an end to the traffic in negroes, since it was only undoing with one hand what she did with the other. He was confident that the West India body would be willing to make considerable sacrifices; but he regretted to see a Minister of the Crown boast of the revenue that would be derived from the importation of slave-grown sugar. If these plans were pursued, ere long we might see half our Colonies lost. If it were wished to put an effectual end to the traffic in slaves, the end must be attained by showing the whole world that free labour was cheaper than slave labour; and the present measure of free trade was not likely to produce that conviction.

Mr. **BORTHWICK** expressed his satisfaction at the presence of the head of the late Administration, and declared that he had never listened to a speech more calculated to lower the House in the estimation of the country than that which the right hon. Boronet had last night delivered. He had avowed that he supported the present Motion because the Government by which it was brought forward had only been a few weeks in office; however injurious rapid changes of the kind were, he exclaimed, *Fiat justitia ruat cœlum,* if a measure injurious to the Empire were proposed. On any question involving a principle to which he objected, he would vote against a Government, even if it produced the fatal consequence, and most fatal it would be, of restoring the right hon. Baronet to power. The real purpose of the speech of the right hon. Baronet was as clear as noon-day. That purpose was to render it difficult to form any Government. He could not support the Amendment of the noble Member for Lynn, because, upon certain terms, the noble Lord was willing to admit slave-grown sugar. The noble Lord balanced the blood of the negro against so many pounds, shillings, and pence; and provided 40*s*. per cwt. could be secured to the sugars of our own free Colonies, the noble Lord was not opposed to the importation of sugar from Cuba or Brazil. In his opinion, all friends of humanity and justice were bound to refuse admission to slave-grown sugar from all parts of the world; and whatever the price of sugar might be, on this account he would firmly resist the introduction of that commodity from the East Indies; for what were the Parias on the banks of the Ganges but slaves? All the main elements of slavery were connected with their existence. They were bought and sold, and every man that was bought and sold was a slave. The Parias on the banks of the Ganges, from whence so much sugar was to be expected, were in a state of slavery, as was evidenced by Claudius Buchanan, Sir W. Jones, and Judge Richardson. It was indisputable that India was steeped to the lips in slavery, and Mr. Wilberforce had said that in India slavery had her birth, her bringing up, and her dwelling place. The hon. Member proceeded to read various statements to show that slavery in America, Manilla, and Java, was much more than in Brazil and Cuba. In the latter countries, for instance, negroes were admitted to all the privileges of civilized life, and often filled high stations, and were found members of the learned professions; whereas in America they were utterly excluded from the rights of humanity, and the horrible practice prevailed of breeding human beings for slavery, and selling negro women to prostitution for purposes of propagation. At the same time it should be recollected that the planters were not the originators, nor even the encouragers of slavery, which had been forced upon them by our legislation; and it would be most unjust to leave them to struggle with all the difficulties necessarily attendant upon a sudden abolition of the system which had so long been sanctioned. At present the larger proportion of the estates in the West Indies were either wholly out of cultivation or only half cultivated; and unless provision were made for securing to the Colonies an ample supply of free labour they would soon be reduced to a state of barbarism. Even, however, an unrestricted import of free labour would be comparatively unavailing, if some time were not given to prepare for the shock of competition with slave labour. And with these views he should propose that the 9*s.* 3*d.* per cwt. differential duty be continued in favour of our Colonies for five years; at the end of which period (provided an ample supply of free labour were secured) they would be prepared for the competition contemplated.

The MARQUESS of GRANBY lamented the lateness of the period at which so important a measure had been introduced. And he the more regretted it because the right hon. Baronet (Sir R. Peel), whose speech had really been in favour of the Amendment proposed by the noble Lord (Lord G. Bentinck), had ascribed to the present position of parties in the House his inability to give effect to his own opinions, and to vote in accordance with them. The vote, however, which he (the Marquess of Granby) was about to give, was wholly uninfluenced by party considerations one way or the other, and was not against the Government, but against the measure. He should vote against it on the grounds of protection to our Colonies, and of the prevention of slavery—grounds closely connected, and not easily separated; for protection had been rendered requisite to our Colonies by the Legislature of this country; and on account of measures adopted with laudable objects, but not the less injurious to our colonists—and not the less entitling them to protection. "Sir (said the noble Marquess), I should like to know what the constituencies of this country—what the nations of the world must think of our conduct, if we, who at a time when the interests of humanity and of our own Colonies appeared to be in opposition, said the 'interests of humanity must be paramount' — 'perish the Colonies — perish the interests of our consumers, if they are against the claims of humanity!'—what can be thought of us, if now, when the interests of humanity and of our colonists are identical—now when the colonists are calling on us not to admit slave-grown sugar — we are deaf to their demands? Can anything be conceived more inconsistent or more unjust? As to the argument of having sugar a halfpenny a pound cheaper, that cannot weigh with a country which expended twenty millions to eradicate the evils of slavery. Then it is said, that because we admit slave-grown cotton, coffee, &c., that therefore we must also admit slave-grown sugar. Sir, I might rely on the great difference between the species of labour alluded to, and that of sugar cultivation, as to which difference I could quote a speech of the right hon. Baronet opposite, if he would allow me to recur to a speech of his delivered so long ago as last Session. But even supposing that the distinction does not exist, what is the worth of an argument, that because we have done wrong in one case, we must continue to do wrong in all others? There is a proverb to the effect, that the first step is the most dangerous. But it was reserved for the noble Lord at the head of the Government to teach the reverse lesson, and urge that when once the first rash step has been taken, the whole flight must at once be leaped. It is surprising also to hear it argued that this measure will not add a stimulus to the Slave Trade. The noble Lord opposite (Lord Sandon) urged that if 50,000 tons of slave-grown sugar, and 50,000 of free-grown sugar, were at Hamburgh, it would not matter, as far as respected slavery, whether the free or the slave-grown sugar were admitted into our markets. I should think, Sir, that if the slave-grown sugar were taken, it would to that extent encourage the growth of slave sugar. But if we have not enough of sugar for the consumption of the country, why not resort to free foreign sugar to supply the deficiency?" There was another argument used on this question, which was, that all their endeavours to repress slavery had failed, and therefore that they should not persevere in those endeavours. If any hon. Member was influenced by that argument, let him get up and say so, and recommend the withdrawal of our fleets and men from the unwholesome and unhealthy coast of Africa. If such a proposition were made, however, after the House had heard the heartrending accounts of the Slave Trade read by his noble Friend the Member for Lynn last night, no one in that House could be induced to support it. But, at any rate, if they were to give encouragement to the Slave Trade, let them not deprive their own Colonies of such benefits as it carried with it. He felt assured, however, that by the continuance of that protection which he believed to be just, the supply of sugar demanded by the country would be obtained, and they would ensure the love and affection of their own Colonies. He should have ended there but for the observations of the hon. Member for Evesham. The hon. Gentleman had accused the party with which he had the honour of acting, of opposing the present measure in order to raise a cry in the country. He denied such an accusation. That party had been formed tor the purpose of maintaining all the interests of the country—commercial as well as agricultural; and when the commercial interests were attacked, as they had been by the proposed measure, they were bound in consistency to oppose it.

MR. A. OSWALD wished to address a few words to the House, as he was about to give a different vote to the one he had given last year on this question. The noble Lord's Amendment appeared to be grounded on two reasons: first, the injustice and impolicy of taking from the West Indian Colonies their existing protection; and, secondly, that the proposition of the Government would give encouragement to the Slave Trade. Now, with respect to the first point, the noble Lord's Amendment did not hold out to the West India body any hope of permanent protection, and being of opinion that the greatest evil that could befall them was the continuance of uncertainty, and the making their interest a bone of contention or rallying point between two factions, he must say he thought a settlement of the measure was extremely desirable. Not only so, but looking at what had lately happened in that House, and seeing that protection to agriculture had been withdrawn by the act of the Legislature, he confessed he thought they must be prepared to abandon with it all protection whether to our domestic or colonial interests. He was told the noble Lord (Lord G. Bentinck) and his party were prepared to restore to agriculture the protection it had lost. No doubt they were sincere in their intentions; but he thought a little time would cool their ardour: should it fail to do so, he was convinced the defeat they would soon meet with would be signal. He had paid great attention to the noble Lord's statements respecting the decreased protection to our West Indian Colonies; but he could not draw the same inference from them. The noble Lord stated that the loss the Colonies had sustained by the withdrawal of protection since the abolition of slavery amounted to 750,000*l.*; but then it must be remembered that we had given them 20,000,000*l.*, and that the interest of this sum must be put against that reduction. It was true that the increased expense they had been put to to obtain free labour, might be a ground for giving them further compensation; and if the West India planters could prove that by the abolition of slavery they had lost a greater sum than they had received, which he was inclined to think they could prove, he for one would readily support a measure for giving them further compensation. He was not, however, prepared to see this country give 20,000,000*l.* for the abolition of slavery, and also from 1,500,000*l.* to 2,000,000*l.* a year, which was the sum the noble Lord the Member for Lynn seemed to admit the present Sugar Duties cost us. With respect to the next point, the encouragement which this measure would give to the Slave Trade, he must frankly confess he did not support the measure of the late Government with respect to the Sugar Duties from any considerations with respect to the Slave Trade. He might be wrong, but he thought the arguments he had heard on the other side on this subject were the strongest. He did think that for this country to attempt to control the social state of other countries by our fiscal arrangements, was a complete mistake. When we wore slave-grown cotton, when we drank slave-grown coffee, and smoked slave-grown tobacco, he could not for the life of him conceive on what principle they might not also use slave-grown sugar. It seemed to him to be straining at a gnat and swallowing a camel. He must say too, when he knew that there were other species of slavery of a worse kind, that which never saw the sun, whose horrors were hidden from the light in the most unwholesome mines, and when he knew that by means of such slavery 49,000 tons of copper were exported last year from Cuba to Brazil, he thought this part of the noble Lord's argument fell utterly to the ground. Moreover, had the facts which the noble Lord read last night occurred ten years after slave-grown sugar had been admitted, he should have thought them entitled to much weight; but it must be remembered these horrors had taken place not after the admission of slave-labour sugar, but when we were exerting ourselves to the utmost to exclude it. The House would remember, too, that Mr. F. Buxton had left it on record as his decided opinion, that all we had done to put down the Slave Trade had not even mitigated its horrors. They must look for the amelioration of this evil to some other quarter than the Custom-house, and he should therefore negative the noble Lord's Amendment.

Mr. HUME thought the hon. Member for Evesham was totally mistaken in what he had said of India. There was not a native in Bengal who might not, if any attempt were made to coerce him, go to one of the courts of justice, claim its protection, and be set at liberty. When he was in India, there was not in the Benares district a single slave employed in the cultivation of sugar. In fact, the only vestige of slavery remaining, was that of the predials connected with families in the southern part of India; and if any one of these wished to be free, he had only to claim the protection of the Company's courts, wherever he was. It was, therefore, wrong to say that the sugar coming from Bengal was produced by slave labour. Much had been said of the horrors of slavery; but the admission of slave-grown sugar into England would really not have the smallest effect in any way upon colonial slavery. The measure of the late Government, in that view, was one of their most objectionable steps; the whole policy of the right hon. Baronet (Sir R. Peel) with regard to the Sugar Duties, was a gross mistake, and contrary to the principles he had been so usefully carrying out. The right hon. Baronet stated again, on the previous night, that the admission of slave-grown sugar would give an additional stimulus to slavery and the Slave Trade; but he gave no reason, nor could he. Suppose that the whole supply of sugar that came or could come to Europe amounted to 320,000 tons, and that 80,000 tons more were furnished by the Continent, from beet-root; suppose one-half of all this sugar to be slave grown, and, therefore, consumed on the Continent, and not here; if now, instead of the slave-grown sugar being used here, and the free on the Continent, both consumers used both sorts indiscriminately, the price of sugar would not be affected, and no stimulus would be given to the Slave Trade by the change. The West Indies seemed to be doomed to suffer from their own friends; the case was put on grounds that would not support it. The noble Lord (Lord G. Bentinck) asked, whether we meant to allow the Slave Trade to continue, and give up our efforts to suppress it? Why, our efforts to suppress it by coercion had failed, and always must. It was on that ground he had ever been anxious to see the British fleet, amounting to at least twenty-seven ships, removed from that coast. He believed, with Sir Fowell Buxton, that all that had been done only tended to aggravate the horrors of the middle passage, and that the sooner we removed our ships from that station, the sooner we should lessen our expense, and diminish the horrors experienced by the unfortunate slaves. While he entertained these views, he did not despair of putting an end to slavery. He was satisfied that we had it in our power to abolish that system, if we only pursued the right plan. Free labour, if procured in abundance, would ever be found cheaper to the planter than slave labour. But in our West India Colonies we had not given the system a fair trial. It was because we had not enabled the planters in the West Indies to procure a sufficiency of free labour, that the experiment there had failed. It had not failed from any want of principle in the experiment itself, but purely because the Colonies had not the supply of labour which was necessary. Now his remedy was, that the West India Colonies should have the same access to labour as other producers of sugar, with this difference—let Cuba and Brazil take the natives of Africa as slaves if they chose—for, in fact, we could not prevent them—and let the West India planters take their labourers also from the shores of Africa—buy them as slaves if they so pleased—and set them free the moment they were landed in the Colonies. ["Hear, hear!"] Some hon. Members shook their heads at this; but really, when they found that all other remedies failed, why should they not adopt the only mode that was likely to secure their object? It was impossible the West Indies could compete with other sugar-growing Colonies unless they gave them abundance of free labour. In 1836 Lord Glenelg, in an able despatch on this subject, strongly recommended that preparations should be made for supplying the West India Colonies with plenty of labourers, and stated that it was the wish of Government that arrangements should be made for that purpose. But, notwithstanding this, what had been the course pursued? Had we not done everything in our power to prevent the necessary supply of labour being sent to the Colonies? The Orders in Council had, in fact, been a complete bar to the introduction of labourers, for though those Orders did not in words prevent labourers going to the Colonies, they prevented proper arrangements being made for paying the passage of the labourers, and expressly declared that no contract for services should be made on account of the

Colonies, except in the Colonies themselves — thus presenting a complete bar to the introduction of free labour. Relaxations had no doubt taken place; but it was only within the last eighteen months that such relaxations had been made as could lead to any supply of labourers. No man was more anxious than he was for free trade; and in 1840 he contended for such a comprehensive measure as would include our West Indian Colonies, having regard to the peculiar circumstances in which they were placed, so as to enable them to compete with other countries. The hon. Gentleman, after expressing his belief that the suppression of the smuggling trade in tobacco would tend very much to put down slavery, repeated his belief that the only effectual mode of suppressing the Slave Trade and slavery was to open up large supplies of free labour. Let the planters have free trade in blacks, and they would take away the temptation to reduce them to slavery. The time was come when we ought to act upon some right principle in this matter, as on every other question that came under their consideration. He knew that there were men in the country, whom he honoured as valuable members of society, who would be shocked to be told that the planters should go to the coast of Africa and bring off the natives. But he would go farther. He would buy them, and then land them on the shores of our Colonies as freemen, and by so doing would be performing a kind and generous act. The right hon. Baronet (Sir J. Graham) seemed to have startled into life at this statement; and he should like to hear from him some explanation as to what other course was likely to be successful. Let them take the 500,000*l.* which was something like the expense incurred at present in putting down the Slave Trade by means of our navy—let them withdraw their fleet and expend only half of that sum in getting labour for the Colonies—take the whole sum if they choose for one year, to make the experiment, and what would be the result? Why, slavery would cease. He had seen a gentleman lately from Cuba, himself a proprietor, and he assured him that the proprietors there did not wish to have one slave more admitted; but that the slaves were now taken there, and solely through the cupidity of the governors. The same gentleman had assured him that the Governors of Cuba had been making large fortunes by means of the introduction of slaves. They had all heard an account of 150 slaves being bayonetted in a disturbance in that island; but he believed that two ships laden with negroes came into port there the next month, and lay nearly five weeks before they discharged their cargoes. In his opinion the Chancellor of the Exchequer would lose revenue by the measure without benefiting the consumer; and when revenue was lost without benefit accruing to the consumer, it was so much money utterly thrown away. In this manner it was, he held, that much of the late abolition of duties had been lost and thrown away. In his opinion the same argument did not hold with respect to corn and sugar. For corn we had the whole world as a market to buy in; but, with respect to sugar, the case was different. Sugar required time to create an additional supply, and many arrangements not needed in the case of corn. The planters, therefore, ought to have had more time given them, not for the sake of themselves but of the revenue. If the measure could be amended in this respect in its progress through the Committee, he did think, on public grounds, that it ought to be amended. Many persons might suppose that he was averse to give relief to the consumers of sugar; quite the reverse was the fact; he was desirous to see the duty on sugar reduced to half, for he believed that duty would give as great a revenue as they could raise by any means, and would confer a great benefit on the country. He wished to act in this matter upon principle; he thought their legislation was deviating too much from principle; and that the country had been the dupe of maladministration on the part of Governments and Colonial Secretaries; but they ought now to retrace their steps; and if all their efforts had hitherto failed to put down this abominable traffic, let them try that which he had proposed, namely, to take away the temptation to it. The Government ought to be prepared to carry out those regulations in the Excise which would enable them to admit the produce of the Colonies to be used in all the ways of which they were capable. Let a Committee be appointed to-morrow, and let them investigate that part of the question, and they would demonstrate that all the fears of the Government on this subject were fallacious, and that the boon might be conceded without any difficulty.

SIR J. R. REID thought the hon. Gentleman had made the best speech on his (Sir J. R. Reid's) side of the question that he had heard in the course of this discussion. He rose to declare that the colonists, under existing circumstances, and in the event of the Government proposition being carried into effect, would be totally and completely ruined. He had no hesitation in declaring this when he had to state to the House, without reserve, that that very day, in consequence of the turn the debate had taken last night, and the probability of this measure being carried, as he had no doubt it would be, a decision had been come to by some of the most respectable parties connected with the Colonies, and the fiat had gone forth for preventing the supplies being sent out for cultivating their estates there. He said that on his own knowledge. Every practical man connected with the Colonies would bear him out in saying, that to compete with slave labour, placed as the Colonies now were, was altogether and totally impossible. If any one asserted that it was practicable, he for one denied it. He did implore the House and the noble Lord calmly to consider the great interests now at stake. The West Indians wanted to throw no obstacles in the way of free trade; all they wanted was fair play. With fair play he had no more doubt than he had of his own existence they would produce plenty of sugar, and at a very low price. A circumstance had occurred that day which was worthy of mention. A friend of his had had a coffee estate in Jamaica that formerly yielded him 6,000*l.* a year after deduction of all charges; he had also a considerable sugar estate; and he now was completely ruined, and had come to him that very day telling him of his unfortunae position. He was deeply overcome by his friend's narration, and had afforded him pecuniary relief for himself and his eight children. He did not mention this anecdote in order to work on the feelings of the House, or excite their commiseration for the class to which he belonged; all he asked was, give them fair play, and then they would fear no competition whatever.

Mr. BERNAL was anxious to detail the true state of the circumstances and situation in which the plan of the Government would place the Colonies, and point out certain salient points in it which were deserving of the serious consideration of the House. In what he was about to say he should commit nobody but himself, as he was no longer a member of the committee of West India proprietors. With respect to the term of years to be given the West Indians, he cared not for it; he wanted to see the question settled once for all. Whatever might arise, let them have the solid substantial prospect of a settlement. It must be remembered that the great pressure had fallen upon the West Indians since the abolition, and under present circumstances he thought the West Indians must prepare themselves for coming events by increased assiduity and skill, and by the adoption he might almost say, of European modes of cultivation. He saw no other of meeting their difficulties. For himself, he never had voted on this question for some years, being interested in it; and therefore he should be the last man who would oppose a Government plan of this nature when it removed protection from the class he belonged to. The case of the West Indian and English landed proprietors he considered as standing on a totally different basis. With respect to the importation of free labourers into our West India Colonies, there was, as the House was probably aware, considerable diversity of opinion. Some people thought that there was no need for such an importation; but the number who thought so was, he believed, very small. The general opinion was, that a large importation of free labourers was wanted. If it was asked, where were they to come from, he would say the coast of Africa. The African negro was much better fitted for the purpose than the Indian Coolie. The Indian Coolie, from his accustomed diet and habits, was not likely to prove so useful a labourer in point of bodily strength and activity as the African, nor was he so likely to amalgamate with the West Indians. The proposed period of contract, however—twelve months—was too short; and he hoped the noble Lord at the head of the Government would think well before he tied down the West Indian proprietor to that period. Then with respect to the fiscal regulations, he hoped his right hon. Friend the Chancellor of the Exchequer would not be daunted by the difficulties that surrounded him, that he would not be misled by anything which was said out of doors, or by the misrepresentations of interested parties, but would proceed to carry out the principles of free trade to their full extent. Was it fair that the West India interest, after having free trade imposed upon them, as against themselves, should not be allowed the advantage of it as regarded the articles which they imported for consumption in this country? As the House was aware, a duty of 1*s.* 6*d.*

per gallon was now levied on West India rum, as against English spirits; and it was proposed to diminish this duty one-third. Did the House imagine that this small reduction would satisfy the West India interest? He assured them it would not, and that it was useless to attempt to maintain a different duty upon West India spirits from that which was imposed on English spirits. They might keep it up for twelve months; but, after passing the present measure, he defied any set of gentlemen, he cared not who they were, especially if they were exponents and apostles of the principles of free trade, to keep it up much longer. With regard to the admission of sugar in a crystallized shape, and in an unrefined state, as molasses, into the breweries and distilleries of this country, he was aware that there were various difficulties in the way; but the noble Lord must throw these difficulties overboard, and be prepared to carry through the principles of free trade, not by halves, but by wholes. He regretted to hear the hon. Member for Dover state that certain gentlemen connected with the West Indies had determined to abandon the cultivation of their estates. That was not the course which he (Mr. Bernal) intended to pursue. He was resolved rather to look to increased energy to enable him to meet the competition by which he would be surrounded; and he would say to others who were similarly situated as himself—"Do not despair; do not waste your energies in vain regrets. The temper of the times, and the tone of men's feelings, run so much in the direction of free trade, that you can no more help acceding to the demand for sugar at a supposed cheap price, he would say, than the gentlemen connected with the agricultural interest could resist the cry of free trade. And when he spoke of cheap sugar, he would say, that he did not think that sugar would for any length of time be so cheap as he should wish it to be. When the products of any particular country came suddenly and unexpectedly into demand, the furnishers of these products expected and obtained an increased price for them. And so, if the sugars of Brazil and Cuba came into extensive demand, there would consequently be such an increase of the price as would prevent the enthusiastic dreams of great cheapness from being realized. He repeated, that such were his opinions in reference to this measure; and therefore he should vote, and had always intended to vote, for the measure proposed by the noble Lord. He had never had but one opinion about it; but he hoped he should not be accused of inconsistency, if at the same time he should be found stickling as much as he could for the admission of colonial spirits into this country on the same footing as Scotch, Irish, or English spirits; and also pressing for the admission, under due and proper restrictions, of colonial sugar and molasses into the breweries and distilleries of this country. He trusted, also, that the noble Lord would reconsider the question as to the period of contracts to be entered into with the negroes on the coast of Africa. There might be complaints in Jamaica relative to the repayment of money for immigration; and though he did not agree with the hon. Member for Montrose, he did think that some part of the money spent in keeping cruisers on the coast of Africa, might form an emigration fund under the management of sober and well-trained agents. And he concluded with the hope that from this year the West Indians, not recurring to past hardships, would exert themselves, and be enabled, though it would not be without great difficulties, to commence a new era.

MR. EVELYN DENISON would have been content to rest his vote on the statement of his noble Friend who introduced this Motion, and on the speech of his right hon. Friend (the Chancellor of the Exchequer) in defence of the Bill; but there were some points which pressed themselves on his mind, and on which he wished to make a few observations. He never could forget that he was one of those who voted for the emancipation of the slaves in our Colonies; that measure had had a greater effect on private fortunes than any legislative measure in the history of this country—a great responsibility lay on the promoters of it. And if there was one thing more than another that the Legislature ought to guard against, looking to the interests of humanity in their widest range, to the fate of the negro race throughout the world, to the force of the example of this country, to its moral influence, as well as to its material interests, it was this—that that great experiment should not be a failure. What had recently occurred in that House with respect to free trade? They had heard Minister after Minister declare that treaties and tariffs had failed, and would fail, and that we must show other nations by our example that free trade can be successfully carried on. Now, what was true of free trade was true also of free labour; and if we wished that other nations should follow our example, we must show the success of our own free-labour experiment. And this brought him to the consideration of two points—the conduct pursued by this country on the west coast of Africa, and the conduct pursued towards our West Indian Colonies. The right hon. Baronet the Member for Tamworth, last night, declared that the best armament against the Slave Trade was the successful cultivation of sugar by free labour. That was no new opinion; but he rejoiced that the right hon. Baronet had given to that opinion the sanction of his high authority. Sir Fowell Buxton, in 1839, speaking of the failure of our measures on the coast of Africa, declared—

> "That the number of slavers had increased from 70 to 150, and that for every cargo formerly carried over the sea, two cargoes, or twice the number in one cargo, wedged together in a mass of living corruption, are now borne on the waves of the Atlantic."

His noble Friend, Lord J. Russell, in 1839, in an official letter to the Lords of the Treasury, said—

> "Under such circumstances, to repress the foreign Slave Trade by a marine guard would scarcely be possible, if the whole British navy could be employed for the purpose. It is an evil which can never be adequately encountered by any system of mere prohibition and penalty."

Earl Grey, then Lord Howick, on the 24th of June, 1845, on Mr. Hutt's Motion, expressed his opinion to be entirely in accordance with Mr. Hutt's, "that the Mixed Commission was a farce;" and the right hon. Gentleman the Chancellor of the Exchequer (Mr. C. Wood), in 1841, on the debate on the Sugar Duties, said, that "the new efforts to put down the Slave Trade had only aggravated its horrors;" and inquired, "Might not some other means be tried—a Treaty with Brazil, &c.?" Since that time the force on the coast of Africa had been much increased; steamers had been added, and yet the Slave Trade flourished more abundantly. Her Majesty's Commissioners wrote to Lord Aberdeen, from Sierra Leone, on December 31, 1844—

> "The activity of the increased squadron, and especially the addition of effective steam vessels, has, without doubt, had a considerable effect on the number of captures; still, however, we believe that the Slave Trade is increasing, and that it is conducted, perhaps, more systematically than it has ever been hitherto."

And Her Majesty's Commissioners wrote to Lord Aberdeen, from Rio de Janeiro, on March 21, 1845, and said that—

> "The importation of African slaves has not diminished; the capital employed in these illicit transactions augments;" and that "the risk is so subdivided amongst several vessels, held in shares, that the capture of four vessels would not subject them to loss provided the fifth was successful in landing slaves."

That was the latest report which had been received; and it showed that whilst on the coast of Africa the Commissioners reported that the Slave Trade was increasing, the Commissioners at Rio Janeiro said that the importation was not diminishing. Let him, then, invite the attention of the House to the expense which these expeditions on the coast of Africa caused year by year. By a Parliamentary return of June 20, 1843, it appeared that—

> "The ships of all classes employed for the suppression of the Slave Trade and estimate of charge for the public, for 1842, were, ships, 58; guns, 945; men, 8,554.

Total expense	£575,466
Add for liberated Africans for the last six years, average	25,000
	£600,466
Mixed Commission Courts, about . .	10,000
	£610,466

This estimate, large as it was, he had been assured was far below the reality; but he stated it, as it appeared on the face of public returns. The failure of our endeavours up to this time was fully borne out by an intelligent officer who had recently returned from the coast of Africa, who told him that the effort, great as it was, to put down the Slave Trade, was entirely ineffectual; and that, do what they would, they could not keep up a blockade along a coast of more than 4,000 miles in length. That officer had illustrated the difficulties of a blockade by an occurrence which happened to himself: the mists from the heat, after the rains, were very great, and, in one case, two ships had run into the mouth of a river on the speculation of catching a slaver, and though they had been close together, on meeting afterwards it appeared that neither knew the other had been there. The House had heard a great deal about steamers, but there were many drawbacks to their use; their smoke could be seen for twenty-seven or twenty-eight miles, which gave warning to the vigilant slavers. Then, the steamers were more unfavourable to the health of the crews from their lying near the shore, and the work and exposure in taking in coals and wood. His informant, fresh from the scene of action, confirmed the public reports—"that the Slave Trade is increasing." When he left the coast of Africa, in the month of December, the barracoons were more frequent on the coast. Let him next refer to an expense of a more serious character—in the loss of health and life. The House would recollect the case of the *Eclair*:—

> "The *Eclair* sailed from Devonport, in November, 1844, having a crew of 146 officers and men, for the coast of Africa, on which station she remained to the 23rd of July last, 1845, up to which period she had lost nine men from the common coast fever. The total loss by deaths on the voyage home and in harbour was sixty-eight. The *Styx* left England, on June 1, 1845, with one captain, two lieutenants, a surgeon, a purser, and a master; in all, six officers. The lieutenant was dead, the surgeon was dead, the purser was dead, the master was dead, the second lieutenant was invalided, very ill; and the captain was invalided, having been very ill, and, at one time, quite lost his eyesight. So that not one single officer remained well."

He believed, then, that the attempts to put down the Slave Trade up to this time had been ineffectual; and if our efforts had not been successful, there was no one who would doubt that our attempts had materially aggravated the horrors of the Slave Trade. Turning from the coast of Africa to our possessions in the West Indies, what course had been pursued there? The Select Committee of the House of Commons on the West India Colonies, which sat in July, 1842, resolved—

> "That the principal causes of diminished production and consequent distress are—the great difficulty which has been experienced by the planters in obtaining steady and continuous labour, and the high rate of remuneration which they give for the broken and indifferent work which they are able to procure; and, that one obvious and most desirable mode of endeavouring to compensate for this diminished supply of labour is to promote the immigration of a fresh labouring population to such an extent as to create competition for employment."

At the same time another Committee sat on the state of the West Coast of Africa. The Committee on West Africa in August, 1842, considered three points:—

> "1. Whether there was any considerable materials for a free emigration from Africa to the West Indies?
>
> "2. Whether it would be desirable for the African to make the change?
>
> "3. Whether it could be carried on without reasonable apprehension, or indeed a possibility of creating or encouraging a new Slave Trade?"

And they reported with respect to these—

> "1. The materials for emigration are enumerated, and if it were permitted, encouraged, and successful, they would probably prove to be considerable.
>
> "2. It would be for the negro the highest advantage—the greatest blessing.
>
> "3. Under proper regulations, the Committee think that no danger exists of creating a real or plausible suspicion of a revival of the Slave Trade.
>
> "Your Committee cannot but strongly urge upon Parliament not only not to prohibit the emigration of free blacks from our African settlements to our West India Colonies, but to encourage and promote it by the authority of Government."

He would say also that the French West India Islands were looking to the result of our experiments with the most extreme and lively interest. The condition of those islands in which there was slavery and no Slave Trade was most lamentable; and if we could only show by our example that free labour was successful in our Colonies, it would be but a few years before the French West Indies would follow our course. No estate in any French island was now saleable, except at the most ruinous price. Lately, an estate in Santa Cruz was sold, producing 150 hogsheads of sugar, with 300 slaves upon it, at a price of 4,000*l.* About the same time, an estate in Barbadoes was sold, producing the same quantity, 150 hogsheads, without, of course, any slaves, and the price was 21,000*l.* This showed, even with all our difficulties, how much better the condition of Barbadoes was, than that of Santa Cruz. But Barbadoes was an island in which the population and the territory were more evenly balanced than in our other islands; and was an instance of what others might become with an increased supply of labourers. The West Indians had themselves pointed out in innumerable documents and representations their great want and great difficulty. Mr. Cave wrote to Lord Stanley on November 5, 1843, and said—

> "The momentous question, whether the staple products of tropical countries can be raised as effectually by the labour of freemen as by that of slaves, can never be brought to a fair trial, until the freedom of the employer be as fully established as the freedom of the labourer; and emancipation cannot be pronounced successful until that question be satisfactorily solved. Without an immediate and extensive supply of labour, their agriculture and trade must still further decline."

The Acting Committee of West India Planters, in a memorial to the Government, presented July 15, 1846, declared that—

> "A policy directly the reverse of this course

> was unhappily adopted. Although it was quite certain that a great proportion of the agricultural labourers would, on being liberated from their obligations of service, occupy themselves with other pursuits, the proprietors were by a strange exercise of power, which they have always regarded as unjustifiable, prohibited from employing any other servants than those who chose to remain on their estates. The restrictions upon immigration, after being obstinately maintained for many years, to the grievous loss of the proprietors, have at length, though very recently, been relaxed. But they are still prohibited from attempting to hire, even within the British dominions, the labourers most suitable to their service. To render their cultivation again profitable, and to induce its extension, they only require the enjoyment of freedom in procuring labour."

Here then was the contrast—a blind and lavish expenditure on the coast of Africa—parsimony and restriction towards our West India Colonies—the prodigal expense accomplishing no good, probably aggravating the evil—the injurious restriction, forbidding the improvement and threatening almost the existence of the Colonies. He thought the demands of the West Indians reasonable and fair; he thought that that interest, now almost prostrate, had a right to require every possible assistance in obtaining free labour. He was not indisposed, even this year, to say that he was ready to vote a certain sum, say 50,000*l.*, for the purpose of assisting the immigration of free labourers into the West Indies; and that sum he should propose to deduct from the expenses which we incurred in the prevention of the Slave Trade on the coast of Africa. This seemed to him a matter of very great importance and of urgent necessity. It would depend on the feelings of the House whether this proposal would meet with their favour. In his opinion it was a subject which well deserved the serious attention of Her Majesty's Government. The Chancellor of the Exchequer apprehended a deficiency at no distant period—he could not help suggesting that means of providing for that deficiency might be found in the direction which he had indicated. Without further detaining the House, he would venture to urge the responsible advisers of the Crown to give a favourable consideration to the entreaties which came from the West India interest, and to give to the admission of free labour the utmost assistance in their power.

MR. JAMES said, he had not the good fortune to hear the speech of the noble Lord, developing his plan for the settlement of this important question; but, after an attentive perusal of it, he came to the conclusion, first, that the public, and more especially those whose interests were immediately affected by the proposed change, were under great obligations to the noble Lord for the attempt he was making to put the Sugar Duties upon a permanent footing, in place of those annual discussions which led to so much doubt and uncertainty, and were so injurious to the interests of the colonists. But, secondly, he must say that he could not think the plan of the noble Lord was the best that could have been devised for carrying out free-trade principles. It seemed to him monstrous to continue a tax upon West Indian sugar of 14*s.* the cwt., which was equal to 1½*d.* per pound, and to tax other sugar 21*s.* the cwt., or close upon 2*d.* per pound, and at the same time talk of cheap sugar. It was certainly most desirable that we should afford to the constantly increasing population of this country cheap sugar, and an abundant supply of it; but this object could not be fully and properly attained so long as these heavy duties were continued; and if our Colonies were to be considered an integral part of the mother country, as the right hon. Baronet said on one occasion they ought to be, let him ask, why should they tax sugar coming to London from his farm in Jamaica, any more than they would tax corn coming from his farm in Cumberland? There was less reason for so doing, because sugar was liable to heavy costs of freight, insurance, wharfage, and other heavy expenses in the Colony before shipment; whereas the cost of the transmission of corn would be very small. If they meant to admit slave produce, and they wanted revenue, he should say, take your tax on slave produce, but enable your own colonists to have a chance of disposing of their produce at a profit, which they cannot now do, by admitting that produce duty free; or, if you will not do that, take a small duty, say 4*s.* on colonial sugar, and 14*s.* on slave sugar; you would thus enable the great mass of our population, to whom this article has now become one of prime necessity, and to whom, from its present high price, it is unattainable, to enjoy it in abundance at a cheap rate, and you would, by this means, obtain a larger revenue than under the proposed plan, by the immensely increased consumption of the article which would take place. They were not acting up to their own principles if they allowed corn to come into this country duty free, and did not apply the same principle to sugar.

He should say nothing at present about the wickedness and immorality of giving direct encouragement to the Slave Trade and slavery, which it had cost us some 35,000,000*l.* or 40,000,000*l.* to put down, as it appeared now to be admitted on all hands that the Emancipation Act had turned out a complete failure. In fact, its principal effect had been to ruin our own colonists, to enhance the price of sugar to our own people, to render a formerly active and industrious population a lazy and indolent one, and to transfer the labour formerly performed by them to other labourers in the slave countries. He always said it would be so. Since the passing of the Emancipation Act, no attempt had been made by the successive Governments fairly to carry out that measure; on the contrary, every impediment (with one slight exception, whilst the noble Lord was in office) had been thrown in the way of the immigration of free labourers; and thus, in place of free labour becoming cheaper than slave labour, as we were assured by the author of the Emancipation Act would be the case, it was about double the price, and hardly possible, in some of our islands, to obtain steady and continuous labour (indispensable to the profitable cultivation of a sugar farm) at any price. It seemed that restrictions as to those parts of Africa where the best labourers were to be found were still to be continued, under the imaginary pretence that to obtain them there would be an indirect re-enactment of the Slave Trade, although nothing could be more easy than to make such regulations as would prevent such an occurrence. He thought that if the Legislature should determine to admit slave sugar into consumption in this country, the least the Government could do would be to give fair play to our own colonists by affording every facility to the introduction into our Colonies of free labourers, from whatever part of the world they might choose to obtain them. Upon the whole, he rejoiced that the question before the House was likely soon to be permanently settled, for anything was better than uncertainty.

MR. H. BARKLY spoke as follows:—As one deeply interested in the adjustment of the Sugar Duties, I am anxious to explain the vote I am going to give to-night. Having felt it my duty to support the commercial policy of the late Government, my speech would require rather an awkward preface were I about to advocate the application of any other principle to sugar, than that which I have voted for applying to corn, to timber, and to silk, according to the several circumstances affecting each trade. I rise, however, for no such purpose. I am for free trade in sugar, as I was for free trade in corn. The only question to which I think the House ought to address itself is, how to pass from the present system of differential duties on foreign sugar, to one of perfect equality, consistently with justice, with humanity, and with self-interest. Justice, namely, to the West India colonists—humanity to the African race—the interests of the people of this country. I believe these three important principles will be best promoted concurrently. I shall endeavour to show that they can be alone combined by putting your West India Colonies into a position to compete with foreign sugar-growing countries before you deprive them of all protection. It does not need much argument to show that justice requires this. The simple fact, that the inability of the West India planter to compete with the foreigner, is the result of the legislation of this country—is enough to prove that it would be most unjust to expose him to that competition without doing all that in you lies to restore his former powers of production. Now, can you restore them? To discover the remedy, we must as usual trace the disease. You possess in the western hemisphere the finest sugar-growing countries on the earth—regions destined hereafter, whether as dependencies of the British Crown, or as independent States, to furnish the cheapest supplies of sugar to the markets of the world. A few years since these Colonies were flourishing—they produced more sugar than you consumed—they exported the surplus to foreign markets: thus defying competition, and rendering your protective system nominal as far as the article of sugar. They now languish—their proprietors are half-ruined—their production has fallen off one-third—they fear to encounter their foreign rivals with any degree of protection you can afford. What change has taken place in their position? Of what element of prosperity has your legislation directly deprived them? Not of capital, not of skill, not of a resident proprietary body (as some pretend), but of that without which all of these requisites are utterly useless—of labour. I will not detain the House by tracing the effects of your tampering with the supply of labour in the West Indies—

from your Orders in Council of 1823, to that violation which you committed upon your own terms in proposing abolition, by first reducing the apprenticeship from twelve to seven years, while the measure was before the House; and again, by the abrogation of the last two years of that most important probationary period—whereby the colonists were hurried into a social revolution without the slightest opportunity of legislative preparation. I am not complaining of this interference—I question neither its propriety nor its sincerity. I believe it to be the best reparation this country could make for having shared so deeply in the profits and the guilt of the Slave Trade. Ruinous as the consequences of your measures have been to me individually, I would not have them undone for any earthly consideration. I hold the people of this country responsible, not for having abolished slavery, but for having abolished it badly, unadvisedly, by impulse, not according to reason. Eight years have now elapsed since coercive labour in our Colonies was thus rashly but happily abolished. Time has proved that the apprehensions then expressed by West India proprietors were well founded. Emancipation has succeeded morally; it has failed economically. Nothing can be more satisfactory than its results as regards the condition of the negroes; but as regards the owners of property its effects have been most disastrous. And what has been the course of the Government of this country under such a state of things—that Government reflecting, of course, the opinion of Parliament and of the country? Did it pass laws calculated to foster industry, and to repress squatting and vagrancy? I fear the less inquiry on this subject the better. Did it hasten to give every encouragement to the introduction of free labourers, to supply the place of those who it was certain would retire from field labour? No! In the teeth of this suggestion of common sense, it conferred a monopoly of the labour market on the few who chose to remain. Simultaneously with the termination of the apprenticeship, a law was passed prohibiting in effect the introduction of a single labourer into the Colonies. I was surprised to hear the noble Lord the other night still attempting to palliate the passing of that Order in Council. Does he not know that under its most impolitic provisions the planters of the Crown Colonies were for upwards of three years prohibited from entering into engagements with their fellow subjects in this country? If they wished to send out an English ploughman to teach the negroes the use of the plough—if they desired to engage a sugar-boiler out of one of our refineries to improve the art of making sugar—this iniquitous law deprived them of the power of doing so. Nay, the House will scarcely credit me when I state, that if at the present hour I entered into such a contract with a German sugar-baker at Hamburgh or Bremen, it would be so much waste paper. It is true that within the last few weeks permission has been transmitted to the colonial Legislature to legalize such engagements; it is true, likewise, that the absolute prohibition imposed upon the communication between the British West Indies and the British possessions in Africa and India—the two great sources from which a copious supply of labour could alone be expected—has been of late years relaxed. Nay, more: the noble Lord opposite, who first had the honour of originating that system of free immigration from Africa which may yet not impossibly supersede the forced immigration of its unhappy children, promised the other night to grant a further relaxation by allowing short contracts. But it still remains the fact, at the moment at which I speak, that immigration is fettered by many restrictions; that the vast African continent is virtually closed to our languishing Colonies; and that the more costly immigration from India, to which they have been driven as a substitute, is only this very year commencing. I do protest, therefore, against the injustice of forcing the West India planter, thus unprovided with labour, into a competition with slave countries where human life is a drug. Sir, the restrictions with regard to labour are not the only restrictions the removal of which the West Indians are entitled in justice to demand, before you bring them into further competition with other countries. Is free trade to be free only as far as the interests of the mother country are concerned? With what consistency can you talk of free trade in sugar, and maintain the monopolies which at present affect the other products of the sugar-cane, rum and molasses, in your home markets? This subject has been so ably gone into by my hon. Friend the Member for Weymouth (Mr. Bernal), that I shall not detain the House with any repetition, especially as I shall have an opportunity of entering more fully into it when it comes directly under our consideration. Meantime, I feel certain that these restrictions are indefensible, and I have all the more confidence that they will be speedily abolished, because the interests of the consumer in this country are equally concerned with those of the planters in their abolition. As I have alluded to the consumer, I will proceed at once to show how his interests are nearly as much identified with the maintenance of sugar production in our Colonies, as those of the British producer. If in so doing I postpone considerations of humanity to considerations of trade, I fear I am only following the course which the people of this country are disposed to take. Let me not be disposed to underrate the importance of cheap sugar to our working classes. I admit that it is the duty of Government to procure it for them by every legitimate means; but I do think the Chancellor of the Exchequer is deceiving both himself and the country in assuming that the reduction of 5*s*. per cwt., which he expects to secure by his measure, will extend the power of consuming sugar to fresh masses of the people. I do not think that a fall of ½*d*. per lb. will have any such effect. It is because I feel strongly the importance of cheap sugar that I wish it not to be quite forgotten that the maintenance of cultivation in the West Indies is, after all, a national object. It is all very well for your men of abstract principles to say that the differential duties on sugar ought to be abolished at once; but, apart from the considerations of revenue, those who look to practical results do not value free trade as an end, but as a means—they advocate free trade in sugar because they wish to procure cheap sugar for the people of this country. The question then is, would the immediate equalization of the Sugar Duties secure a permanent supply of cheap sugar?—or would it not, by creating a falling off in the supply from our Colonies, occasion, after the first few months, a gradual rise of price for several succeeding years, until, in short, the investment of capital in slave countries and the extension of the Slave Trade made up the deficit? It must be borne in mind that, independently of any legislative interference, the present season is one of severe trial to the West India planter, in consequence of the long-continued dry weather; further advances of capital from this country will in most cases be required, and, unless a fair prospect of ultimate reimbursement be held out, many estates will be abandoned. Any very discouraging measure will, therefore, easily check production, and prevent any effort to bring up the crops, which will this year be at least 30,000 tons short of last; nay, more, it will check the disposition on the part of the colonists to raise funds for the purpose of procuring labourers, in expectation of which their existing cultivation had been extended. An enormous defalcation of sugar must ensue. We are acting in face of bitter experience on this score. At emancipation the production of the West Indies was thought of little consequence. The duty on East India sugar had recently been equalized, and it was expected that any deficiency would be made up from that quarter. What was the result? The West Indies fell off in their production 90,000 tons: the importation from the East Indies rose 20,000 tons. The price of sugar rose in the home market from 29*s*. 5*d*. in 1834, to 49*s*. 1*d*. in 1840; and even the price of slave sugar rose all over the world 6*s*. to 7*s*. per cwt. No one looks now to any very rapid extension of shipments from the East Indies, especially if the price in the home market be moderate or even stationary. Under every discouragement and disadvantage for want of labour, the West Indies have increased their exports since this question was discussed in 1841, nearly 40,000 tons; while those from India, comparing the same periods of 1841 and 1845, have only increased 3,500 tons. To what other free-labour country can you look to supply the deficiency? In Java—if you deem the labour there free—the cultivation is based altogether upon an artificial system of commercial monopoly. That we cannot rely upon that source for a material increase of supply is evident from the fact, that our markets have for the last two years been open to Java sugar, and that the quantity entered for consumption is insignificant. It is then upon the slave countries, Cuba and Brazil, that you must become dependent, if you diminish presently or prospectively the production of your own Colonies. I will not enter into any question as to the consistency of such a dependence—with that policy for which the people of this country have made so many sacrifices; but I ask, is that dependence expedient, even in the interests of the consumer? Is not slavery at best a very insecure source of supply? The British Colonies are as yet the only countries in which the negro race have been set free—they alone have been subjected to the ordeal of emancipation. The ill success, indeed, of that experiment, has been sufficient hitherto to deter France, Denmark, and other nations, who at its commencement were on the eve of following our example. But public opinion in these European countries will not be long quiescent; and on the other side of the Atlantic the glad sound of liberty has echoed from the banks of the Mississippi to those of the Amazon. Slavery, as an institution, is doomed to perish; and it will perish with more or less injury to property and cultivation in proportion as each slaveholding nation has elevated her bondmen in the scale of civilization by previous training. Before, therefore, you needlessly give a deathblow to the production of your own Colonies, would it not be well to consider what the effect on the price of sugar would be if Cuba became a second St. Domingo? Do I exaggerate the chance of such an occurrence? Last year a servile war was only suppressed in that island by the slaughter of 3,000 slaves; and I think the immigration to which the Chancellor of the Exchequer last night alluded, of 3,000 white labourers, was prompted rather by a wish to take precautions against the recurrence of such an event, than by a preference for free labour. If, by your policy, you so stimulate the avidity of the sugar growers of Cuba and Brazil for present gain, beyond their apprehensions of future consequences, depend upon it the result is only a question of time. I have pointed to this disadvantage of a dependence upon slave labour merely as a question of commercial prudence. It is impossible, however, altogether to disregard its bearings in connexion with humanity. I do not intend to raise the humanity cry; I may have feelings on the subject; but I am a West India proprietor, and therefore keep them to myself, knowing how little credit I should get for their sincerity. I have, however, no wish whatever to avail myself of the co-operation of the anti-slavery party; on the contrary, I believe that to their mistaken and shortsighted opposition to free immigration into the West India Colonies, the present crisis is mainly to be attributed. I have every respect for those who conscientiously entertain these extreme views; but I cannot pretend to share them. I admit at once that it is impracticable to abstain from the use of slave produce—that it is visionary to dream of supplying ourselves with any other than slave-grown cotton and tobacco; but I do not see that I preclude myself by this admission from endeavouring to abolish the distinctive duties between free and slave-grown sugar in such a manner as to guard against the extension of the Slave Trade and the perpetuation of slavery. I should fail in doing my duty if I did not proclaim the deep responsibility which rests upon the authors of any measure which shall have the effect of discouraging the production of sugar by free labour. Will the measure described to the House the other night by the noble Lord have this effect? From the bottom of my heart I do fear that if passed in its present shape it will. Before I proceed to analyse its provisions, let me first declare how entirely I concur in the eloquent anticipations with which the noble Lord concluded his speech as to the new era to which the establishment of perfect free trade between Great Britain and her Colonies must give rise. I share in none of the apprehensions which some have expressed as to the results of the abolition of the old colonial system. I believe the only true colonial principle to be that enunciated by the right hon. Baronet the Member for Tamworth—to treat your Colonies as integral portions of your Empire. I shall rejoice when the day arrives in which the colonists stand in a position to dispense with all protection, because I feel sure that it will then be inevitable to do them justice. I cannot help thinking, however, that the noble Lord's peroration was singularly inappropriate to the measures he had been developing in his speech. A more one-sided scheme, a more mother-country attempt to apply free-trade principles, I cannot conceive. The colonists are to be exposed to free competition with all the world; but they are not to have the benefit of procuring free labour where they choose, lest it should interfere with the Anti-Slave-Trade policy with which the mother country has embarrassed herself. They are to have free trade in sugar; but if they claim free trade in rum and molasses, musty reports of Committees of this House thirty years old are all the answer deigned to their petitions. The Chancellor of the Exchequer did use one argument, indeed, last night, besides those connected with revenue (which are no arguments at all where justice to the Colonies is concerned). He said that the claim of the colonists to perfect freedom did not commence till they themselves were exposed to free competition. The argument was unworthy of the right hon. Gentleman. Now, it is evident that an interval of at least two or three years must necessarily elapse between the permission to get free labour and the time at which the effects of that free labour can be presented at your Custom-house in the shape of sugar—between the investment of capital in the erection of distilleries in the West Indies, and the importation of an additional quantity of rum into this country. This argument brings me, however, to a consideration of the duration and amount of the scale of duties on sugar as proposed by the Government. There is to be for five years to come a constantly changing differential duty imposed on foreign sugar, ostensibly for the protection of the colonists. But, after the first two years, during which protection is least of all wanted by the West Indian—both on account of the shortness of his production, and the impossibility of diverting more than a certain limited quantity of foreign sugar from the European market—the protection rapidly diminishes, becoming, in fact, less than a halfpenny per lb. in the third year, which is that in which a valid support would be most required. By that time the foreigner will be prepared to pour in an additional supply of slave sugar into our ports, and the production of our own Colonies must, if ever, have been restored. The scale proposed by the Government, therefore, yields no such efficient protection as will encourage the colonist to persevere. Sir, I wish to confine my remarks within the limits of fair criticism; but I must in my conscience say, that no contrast can be more complete than that between the comprehensive simplicity of the commercial reforms of the late Government, and the complicated provisions of the scheme now before us. I acquit the noble Lord and the Chancellor of the Exchequer of much blame in the matter. They were hurried on to settle a great question in a few days' time—they were pressed from behind by those who knew little of the difficulties of the subject. I believe that they would have produced a much better measure if they had felt quite sure of carrying it. Now, however, that it is quite clear that a settlement of the Sugar Duties will be effected, I do think that they will be amenable to the reproaches of men of all political opinions, if they refuse so to remodel their scale in Committee as to make it more acceptable to all parties—better calculated to promote the permanent interests both of the consumer and the producer. It would be easy to effect this by shortening the period of five years allowed for the abolition of protection, and condensing the amount of protection into three or four years. Although the West India body decline respectfully but firmly to be any way accessary to improving a measure which they, by that very step, prove they sincerely believe to be destructive to their interests, I feel confident that they would prefer three years of really efficient protection to the five years of attenuated duties offered. I confess I am not without hopes that when we go into Committee, some alteration of this kind may be proposed by the Government, especially as my right hon. Friend last night confined himself entirely to explaining the grounds of the differential duty of 7*s.* per cwt. imposed during the first year, and did not proceed in any way to justify the rest of the scale. It only remains for me to state the course I am about to pursue on the Amendment of the noble Lord the Member for Lynn. However I may acquiesce in the letter of that Amendment, I think it must be clear to the House that I differ widely from the spirit in which it is moved. My objections to the measure do not arise either from protective or anti-slavery feelings. The question with me is not one of principle but of degree. It would be a question with me, therefore, whether I could conscientiously support such an Amendment, were I even purely a colonial Member—did I sit here to advocate West India interests only; but, as a representative of the British people in the House of Commons, I cannot put out of consideration the consequences which the success of such a Resolution would have upon the social interests of this country. I cannot shut my eyes to the state of parties—to the probability of a dissolution—to the great questions which would then agitate the country; to which the cry of cheap sugar on the one hand, and no slavery on the other, would add ardour and intensity. Sir, I was in no way accessary to bringing in the present Government. I question whether they were justified in arriving at power by the combination they lent themselves to. I doubt if they were wise to accept office with so weak and divided a party; but I do feel strongly that the interests of this vast Empire are too important to be made the sport of mere party strife; that we cannot afford a Ministerial crisis every week; and that I ought, therefore, to be most cautious that no feelings of personal interest should prevent my giving an unbiassed consideration to this as to every measure brought forward by the new Government. Much, therefore, as I complain of the details of the new Sugar Duties Bill as they at present stand—much as I deprecate the encouragement which it may afford to slavery and the Slave Trade—strongly as I protest against the inconsistent policy for which West India property is to be endangered—I have nevertheless come to the conclusion that I shall best discharge my duty to those who sent me here, and at the same time best consult the ultimate interests of the producers of sugar in the British Colonies, by voting for going at once into Committee for the purpose of settling the question, in preference to supporting the Amendment of the noble Lord, by which that settlement would be indefinitely postponed.

Mr. DISRAELI: Sir, the noble Lord who moved the Amendment to the Motion that you leave the chair, proposed to himself to establish three points for the consideration of the House. The first was, that this country has legitimate sources for the supply of all the sugar necessary for its consumption; the second, that the calculations of revenue under the Resolutions proposed by Her Majesty's Ministers were erroneous; and the third, that if we adopt these Resolutions, we should be stimulating that traffic in slaves which this House has so often and so indignantly reprobated. Sir, I have listened with great attention to the speech of the right hon. Gentleman the Chancellor of the Exchequer, a Member of the Cabinet, who has affected to give an answer to the speech of the noble Lord the Member for Lynn. I have not been inattentive to any of the addresses which followed the speech of the Chancellor of the Exchequer; and though it may be some of those speeches are remarkable for characteristics and circumstances, not bearing any relation to the subject immediately before us, still, looking at the speeches affecting to discuss this question which followed in the wake of the Chancellor of the Exchequer, I can find no answer to the speech of my noble Friend. The Chancellor of the Exchequer appears to me, with regard to the first proposition of the noble Lord the Member for Lynn, to have opposed to it an assumption; to have encountered the second proposition with an hypothesis; and he supposes he has vanquished the third by a sophism. Now, I am prepared, if the House will permit me, to sustain all the positions of the noble Lord the Member for Lynn. That noble Lord, in supporting his position that this country could legitimately be supplied with a sufficient and ample quantity of sugar for its consumption, has offered estimates which, if those estimates are correct, prove the dogma he laid down. Her Majesty's Ministers have no confidence in those estimates; but they have entered into no details and offered no facts to show that they are erroneous. Or rather to prove that the estimates of the noble Lord were erroneous, the first feature of the demonstration was, that the noble Lord the Member for Lynn had underrated a very important item. Her Majesty's Ministers estimated the produce of the West India Colonies at 125,000 tons; and the noble Lord had estimated it only at 115,000 tons. Well, then, at the first glance it would seem that the noble Lord, however erroneous his estimate, has not ventured to overstate the amount of free-grown sugar which may be obtained from our West India Colonies. Her Majesty's Ministers, who accuse my noble Friend of overstating quantities, have themselves, in the very first item, offered an estimate exceeding the estimate of the noble Lord. This shows that the noble Lord has not indulged in extravagant estimates. If we approach the second portion of the estimates of the noble Lord, I mean the produce of the Mauritius, I don't believe Her Majesty's Ministers, notwithstanding some inuendos—for so I must call them—I don't believe Her Majesty's Ministers are inclined to quarrel with this part of his estimate. The noble Lord estimated the produce of sugar of the Mauritius at 50,000 tons. My noble Friend has now corrected me, and says 58,000 tons; but I believe, in his speech, he calculated it at 50,000 tons. I believe that my noble Friend might have carried his estimate higher, for I have received this morning a copy of a Mauritius journal, of a most respectable character, which calculates the crop of sugar at upwards of 60,000 tons. Why, then, as far as anticipation goes, I believe, so far as we may rely upon testimony from the Mauritius itself, it is not in the power of Her Majesty's Ministers at all to substantiate their point against the noble Lord, that he has produced exaggerated estimates. But the Chancellor of the Exchequer says, that with respect to the third part of the noble Lord's estimate, he was fairly astonished. He cannot believe that India can furnish the quantity of sugar which my noble Friend supposes; and he warned the House against giving credit to that estimate. If we find that in one part of the estimate which the noble Lord has offered he is right; and in the second that his expectations are warranted by documents, and confirmed by evidence from the respectable quarter to which I have referred, we have a right to suppose that the same care and caution have governed him in the third; and that he has not without consideration offered to the House any calculation not founded upon data entitled to influence the opinion of the House, and which have not the sanction of thought and research. And I beg the House to bear in mind, that although the Chancellor of the Exchequer has expressed his incredulity as to the amount of Indian produce, he has not offered one single fact or argument to the contrary. He said, he was extremely astonished; and the hon. Baronet the Member for Beverley (Sir J. W. Hogg), who, upon sugar questions, should be a good authority, if we may judge from former debates, on whatever side his opinion might ultimately fall—that hon. Baronet, who tells us that this is a most important subject in the eyes of the Home Government of India, rose to the assistance of the unsupported position of the Chancellor of the Exchequer. But neither the Chancellor of the Exchequer, nor the hon. Baronet the Chairman of the Court of Directors, notwithstanding they expected this discussion and the arguments likely to be propounded—neither of these Gentlemen could find and offer a single argument or fact to induce the House to distrust the estimate of the noble Lord the Member for Lynn. Now in this case, with respect to the production of sugar in India, whilst this is the position of the Chancellor of the Exchequer, endorsed and ratified by the hon. Baronet the Member for Beverley, there is one consideration of great importance which has not been brought before the House, though it is a great element in the question, namely, the nature of the producers of sugar in India. The noble Lord (Lord John Russell) produced statements to show the amount of British capital invested in India, and how that British capital worked, and the results obtained from it, and that greater might be accomplished. But I want to bring this fact before the House, that the sugar of India is produced by two classes of persons, that is, British capitalists, who, we are told, need no protection, and it may be so; and the native ryots, who produce a sugar in India, who may require protection, and if they require protection, I will show that is a protection which will bring great results to this country, which will bring wealth to England, and not only commercial wealth, but political power. The hon. Baronet the Member for Beverley tells us that the sugar producers of India require no protection; that this is their own opinion; that meetings have been called and circulars issued; and they were to be satisfied with meetings of sugar producers which were never heard of, and the passing of resolutions which nobody ever knew. It may be true that these sugar producers are gentlemen who do not fear the measure of Her Majesty's Ministers—it may be true, as the hon. Baronet says, that these British capitalists in India do not fear competition: they do not fear competition in 1846, though I recollect they did in 1841. The hon. Baronet tells us that the condition of India is so improved in the five years that have elapsed, that the sugar producers of India do not now fear competition. I certainly think that the condition of India may have improved since 1841; for it could not have been worse. India had nearly become bankrupt; it required but an event, a circumstance, an hour, the transmission of a post, to prevent bankruptcy in India. Every one will admit this who knows the facts. I can prove it if documents can prove it; if writings by those who are acknowledged authorities can prove it, to any who are interested in, or care anything about India. No doubt the situation of India has been improved; it could not have been worse. I have a letter by me now very interesting, but with which I will not trouble the House, written at the very time when the hon. Baronet the Member for Beverley made his speech in 1841. It was written by a native Indian gentleman well known, and second to none in intelligence and patriotism, and stated that such would be the consequence of the commercial system that we pursued with respect to India, that ere long India would be too poor to govern. The writer said it was impossible for you to keep that country; that he would not insult you by appealing to your fears; that the danger that threatened you was not from national or political conspiracy, but that you would never be able to raise the necessary revenue; that your empire would crumble under you, and that in five years you would lose India. We are told now that the state of India is not as bad as it was then—that it is much improved at present. I shall show that the principal cause of this improvement in the condition of India is that alteration of your Sugar Duties which you are now called upon to repeal and abrogate. I have here the circular of a mercantile firm at Calcutta, who have a house in London. They said in 1841—

> "Many mercantile men were surprised at the abatement of the West India duties and the admission of East India sugar on equal terms, but that those resolutions would benefit the country at large, and open a boundless market among the lower classes of Hindoos, many of whom had never seen a piece of cotton cloth in the whole course of their lives."

They give now what they consider will be the consequence of the present alteration of the Sugar Duties on the Manchester manufacturers. They show the increase that has taken place in the fabrics used by the poorer classes in India. In 1837 and 1838 the total number of pieces of long cloths, jaconets, &c., was 190,000 pieces. In 1843 and 1844 the number had increased to 2,500,000 pieces; whereas the increase in the consumption of fabrics used by the richer classes who were not affected by the change in the Sugar Duties, was not nearly so large. In 1837 and 1838 the number of pieces of lappets, white cambrics, book muslins, &c. was 1,000,000; and in 1843 and 1844 it had only increased to 1,300,000 pieces. So that the fabrics used by the poorer classes have increased from 190,000 pieces to 2,500,000 pieces; while those in use among the richer classes have only increased from 1,000,000 pieces to 1,300,000 pieces. Let the House remember when we are called upon in the month of July, in this crude manner, to pass these important Resolutions on sugar, as if they were a part only of a commercial tariff, that the only cultivation of the soil in India which is not a monopoly is that of sugar. In the cultivation of indigo, cotton, lac, and the other products of the soil, the native can only be a labourer. I repeat, that the only privilege of the poor in that country, in which wages are the lowest and the interest of money the highest in the world, is the cultivation of sugar. This is the class which will mainly give you the sugar from India. It is not the English speculator who furnishes you with 20,000 tons, it is the peasantry of India; not the owners of vacuum pans and steam-engines who will send you the sugar to purchase these quantities of Manchester goods, and who, if supported in their intentions, will take more of your manufactures than any slave population in the world. There are 100,000,000 of your fellow subjects in India; and if every native would only buy a turban of you, it would produce an effect upon your manufactures greater than that of your whole foreign trade. If these 100,000,000 of your own fellow subjects could only take annually 10*s.* worth per head of your manufactures, you would derive 50,000,000*l.* from India—this India which you have so ill treated and so exhausted, and which, for the first time in the history of your commercial legislation, benefited by the late alteration in your Sugar Duties, so often referred to, and which you are now called upon violently to terminate. When I see what British capital can produce in the valley of the Ganges—when I see such results following the equalization of the duties on East and West India sugar—that produce was brought from places never heard of—and that persons came with consignments from districts which the most experienced person in Calcutta never dreamed would produce sugar—when I find in the letter read by my noble Friend the Member for Lynn last night, from Bell and Co., of Madras, that the produce of the present year would be one-third more than that of last year, namely, from 10,000 tons to 15,000 tons—when I find that, in another letter from an active partner in a mercantile house, that the extra produce of this year, in the valley of the Ganges, is 30 per cent, extending over a superficies of more than 70,000 acres—why should we suppose that the produce of Bengal should proceed at a slower rate than that of Madras, and that 100,000 tons would be an immoderate calculation of what we may expect from the East Indies next year? I have a right, then, to say, that the first position of the noble Lord (Lord G. Bentinck), that this country can be supplied with an ample quantity of sugar from its own possessions, has been met only by a sceptical assumption from the Chancellor of the Exchequer; and that, as respects the second point, as regards the revenue, the Chancellor of the Exchequer has only given up his sceptical assumption to take refuge in a credulous hypothesis. That noble Lord estimated the revenue of the country on data which came from a higher authority than that of the Chancellor of the Exchequer. He showed that there could not be an increase of revenue to the amount of more than 400,000*l.*, and to prove this he took the estimate of the noble Lord the First Lord of the Treasury, the highest authority upon the subject. The latter noble Lord estimated the supply from our Colonies at 200,000 tons, the produce of free-labour sugar at 20,000 tons, and slave-labour sugar at 20,000 tons. The noble Lord the Member for Lynn made a calculation, which proved that on the noble Lord's own showing we could not obtain more than 400,000*l.* The Chancellor of the Exchequer demurred to the calculations of my noble Friend; but I shall prove that the Chancellor of the Exchequer has offered an estimate and a series of figures which may be right and connected, but which have a distinct difference from those of the First Lord of the Treasury. How does the Chancellor of the Exchequer calculate the probable supply of colonial and free-labour sugar? If the First Lord of the Treasury expected 20,000 tons of free-labour sugar, the Chancellor of the Exchequer turned that into 15,000 tons. With a rhetorical dexterity which Chancellors of the Exchequer are not often famous for, he immediately afterwards transmutes 20,000 tons of slave-grown sugar into 30,000. But who then are we to believe? Are we to believe the First Lord of the Treasury, who actually, though not formally, opened the debate, or the right hon. Gentleman the Chancellor of the Exchequer, whose speech may formally, though not virtually, be considered as answering the speech of the noble Lord near me? With regard, then, to the first point, no one has touched the estimates of my noble Friend. I think I have also shown the House that the criticisms of the noble Lord on the estimates of the Government, with respect to the revenue, are just and well considered. Figures are not party men. You may cross the House, but you cannot convert 15,000 tons into 20,000 tons. I now approach a subject which is more important and not less interesting. The noble Lord the Member for Lynn has not only wished to show the House and the country that from legitimate sources we can supply England with sugar; he has not only shown the House that there is a great and unsatisfactory inconsistency in the estimate made with respect to the revenue by Her Majesty's Ministers; but he has offered, for the adoption of the House, an Amendment expressing the opinion of himself and his Friends, that if the Resolutions of the Government are passed, a great stimulus will be given to slave labour. Now, often as this question has been discussed by the House of Commons—many as are the years that have elapsed since it was originated—many as are the Governments that have had to meet or to conduct such debates—this I think will be admitted, that under no circumstances, at no time, was this great question ever brought forward here, or met in a manner so remarkable. When we remember all that has been said upon this question; when we remember the parties that cry has formed—the Ministers, or rather the Ministries, it has made—the public men it has called into existence who never would have been public men, if they had not joined in the public cry—I think there is something rather remakable in the way in which this question is now discussed, and now met. Far be it from me to suppose for a moment, or even to insinuate, that the First Minister of the Crown, or the right hon. Gentleman he has succeeded, or any of their Colleagues, are supporters of slavery. No one is a supporter of slavery; every one is filled with natural indignation at the thought of it. But all or many seem to be prepared to suppose that the evil is unavoidable—that it can no longer be politically resisted—and that if it be morally wrong, one thing is quite clear, that it is fiscally inevitable. I am not, perhaps, strictly in order in referring to the speech of the First Minister of the Crown; but, by the indulgence of the House, and the permission of the noble Lord, I hope I shall be permitted to do so, considering that that able and interesting speech was in fact the opening one of the debate. In that address, the noble Lord has taken up what may be considered a safe position on this subject. The noble Lord cannot forget that the party he represents, and of which it is his pride—his justifiable pride—to be the leader, is the Whig party that carried the abolition of the Slave Trade. The noble Lord is a man of great spirit, and would not, I am sure, under any circumstances, upon no consideration, to obtain no degree of power, for any lease of time, forget the glorious heritage to which he has succeeded. The noble Lord says all this is true; we deprecate still, we still denounce this infamous traffic; but then I have two fatal objections for you—it is true as an abstract philanthropist I am as ready to oppose the traffic as before, but you cannot deny this, that the Slave Trade exists—that it even flourishes—that it not only flourishes but increases. You cannot deny that it has baffled all our efforts. This I place before you, says the noble Lord, as an effectual, as the best, vindication of my course; this is the unanswerable argument with which we are to go to the hustings—if we are to go to the hustings—this I state to you, that all the efforts you have made, all the squadrons you have equipped, all the subscription lists you have swelled, all the devotion of nearly half a century, all the highest convictions, all the most fervent aspirations of a generous people, have not prevented this result—that what you have done is neither effectual nor complete. Well, Sir, if all that England has done on this great theme has failed in efficacy, has failed in completeness, I am not disposed to say that even a Whig Minister, that even a Whig party may not be authorized by urgent economic considerations to come before the Senate of the nation, and solemnly inform that assembly that they have committed a great public error, which, however it may redound to their credit as men, proves scarcely their prescience as politicians. But let us see, Sir, if this position, so painful to assume, and which nothing but the last necessity should authorize any Minister to assume, let us see if this position is just. The noble Lord says that the spirit of commerce baffles all philanthropy, all politics, all the strong convictions of the middle classes of this country, all the treaties of Secretaries of State, that all these sink before the energies of commerce. He says that the English merchant, while he denounces slave produce, is, in fact, by a circuitous, but to him quite natural process, exchanging English produce for the produce of slave labour; that is the first proof the noble Lord offers, that the great measure which the English people originated—not only sanctioned, but originated—has failed in efficacy. Now, with regard to such an argument, I must say, that at the first blush it appears to me to result in a superficial conclusion. The noble Lord tells us the energies of commerce were unanticipated; that whatever we chose to decide, commerce baffles us. I remember a right hon. Gentleman, no longer a Minister of the Crown, told us, on one occasion this Session, that England is a great commercial country—that was announced as a great discovery; I ventured then to intimate that the commerce of England was not the creation of yesterday. The noble Lord seems to have now discovered, in addition, that the spirit of this commercial nation is also remarkably adventurous. Has the spirit of English commerce become so adventurous only in the year 1846? I take it for granted that if there has been any change in the spirit of English commerce, it is less adventurous now than formerly; from our increased knowledge, our more rapid means of communication, our better acquaintance with the resources and wants of foreign countries, a commercial venture has become a transaction. A merchant writes to his correspondent; his object is attained by return of post; and the consignment follows immediately upon the receipt of the letter. If there is any difference at all, English commerce, forty years ago, was more adventurous than it is now; a man with a cargo which he could not conveniently land at one place, would roam about from port to port, and made his arrangements accordingly. If that is true,—and I think none will dispute it—then I contend it says but little for the penetration of the great public men who took up this great public question, that they did not foresee this result. I visit upon the noble Lord, and upon those of whom he is the able successor, all the responsibility. I say those Whig statesmen had no right to take up this great public cause—one that they did not originate; that they had no right to join that public cry, not being acquainted with what must have been the inevitable commercial and political consequences of the measure. I do not use the term Whig statesmen in any spirit of party; I wish to offer the homage to that party which, with regard to the question of slavery, they are entitled to; but it does not tell for the penetration of the public men of that day, that they did not see these consequences. If I cannot suppose that they did not see them, then it fixes a stigma upon their ingenuousness, if, knowing them, they concealed them from the public; that stigma I am not willing to fix upon the present occupiers of the Treasury bench. But, says the noble Lord, your system not only wants efficacy, it wants completeness; you come here and denounce slave-grown sugar, and yet you are at this moment—the whole nation—members of anti-slavery and abolition societies, consuming slave-grown produce of another kind. Here is mock morality, says the head of Her Majesty's Government! Mock morality! Yes, it has come to this! But I ask the noble Lord, when Clarkson, and at a subsequent period, Wilberforce addressed those districts of the north of England which originated the great movement against slavery—at the moment when were pronounced the thrilling words that touched the heart of a great nation, when the horrors of that traffic were first revealed to the pure conviction of this country—I ask the noble Lord, whether at that moment the fabrics of the north of England were not fed with cotton the produce of slave labour? I ask him more; when that movement had succeeded, and when statesmen, as statesmen always do—with the instinct of aristocracy, saw it was irresistible, and might bear them into power; I ask him when the public men of that day—I care not to what party they belonged—put themselves at the head of that movement, addressing public assemblies, in which they expressed with cultured eloquence the deep convictions of an unlettered people—whether that people of England did not then smoke, and snuff, and chew—whether they had not for 200 years, been smoking, snuffing, and chewing slave-grown tobacco? That destroys your case. Can we believe that the people of England were not conscious of all this? Can we believe that these great statesmen were not conscious of all this? Why of course they were. But a practical people knew how to deal with circumstances. They said, we must put an end to those abominations we can control, and shut our eyes to those we cannot control. The people of England by their conduct, and the Whig leaders by theirs, are estopped from availing themselves of the flashy plea that is now put forward by the noble Lord. The very circumstances to which the noble Lord has referred are the materials of an argument against his position. I have no wish to argue the question abstractly; at the same time will the noble Lord come forward to the Table and lay it down as an abstract principle, that a man, because he is obliged to wink at a certain evil, is bound to commit a greater one. Whether I view it as an abstract or a concrete position, the noble Lord cannot escape the inevitable result. The noble Lord told us the other night that it would be well for the people of England to read Jeremy Taylor as well as Cicero. Jeremy Taylor is the great casuist of our literature. Let the noble Lord turn to the *ductor dubitantium*, and if he can there find any solution to assist his argument, I shall be surprised indeed. Well, then, I think I may say that the answer which was made to my noble Friend's third proposition was no sound argument, but a fallacious flashy sophism. You may carry a majority, you cannot convince them; you may give them words they may repeat to constituencies who will recoil with nausea from such phrases. I say, that the fact that Mr. Wilberforce was supported by men who patronized slave-grown cotton and slave-grown tobacco, estops these nice refinements of the year 1846. The people of England took the case as they found it; they were practical men; they said, "We have a great object to attain; we too, as well as our rulers, must have some open questions—slave-grown cotton, slave-grown tobacco must be an open question; all these things must be forgotten and endured for putting an end to the slavery which our own countrymen practise." And the same feeling animates them now: they cannot listen to your refinements, they don't wish to encourage slavery; nay, it would be a libel to suppose them indifferent to it—they will do all they can to prevent any stimulus to the Slave Trade. Well, but now the noble Lord and his Friends will deny that their measures will give any stimulus to the Slave Trade, and to that point I will now advert. The right hon. Gentleman the Chancellor of the Exchequer has informed us officially, authoritatively, that in Cuba at this moment, or very recently, such was the state of the slave society that there was a general disgust on the subject, and they absolutely wished to get rid of their slaves. There had been insurrections, as I had learned from other quarters; there had been a reduction of profits, which was equally known, and the result was such as he described. Well, then, my answer to you is, if there is that disposition in Cuba to put an end to slavery, why recommend a measure which even possibly may encourage the Slave Trade? We are told we must do this on account of great commercial considerations. Above all, it is the commerce of the Brazils that upon this and previous occasions has been brought elaborately before the notice of the House of Commons. I say the House of Commons —I don't use the ordinary phrase in this

House, because I am speaking of another House of Commons, of which I had the honour to be a Member when the question of the Brazilian trade was first brought forward. I remember when a Gentlemen who may be now be sitting on the Treasury bench, used to make Motions on the subject of the Brazilian Treaty of Commerce. Its conclusion was impending, and though there were few Gentlemen at that time who knew anything about the Brazilian Treaty of Commerce, the right hon. Gentleman got up and said, "The Brazilian Treaty is about to cease—the question cannot be evaded—we must decide what we will do about sugar." That frightened everybody. The most unflinching opposers of free trade were staggered. They said, "This question of the Brazilian Treaty must be settled. The Brazilians give us notice; we must take it; a vast commerce is involved, and we may lose it all." But we have heard a right hon. Gentleman get up in his place since then and say that of all worthless things in existence, nothing is half so worthless as a treaty of commerce. I shall never forget the speech of another right hon. Gentleman, to whom, as I am informed he is absent, I will not further allude, than to say that his speech was listened to with great interest. That right hon. Gentleman made a speech on Brazilian commerce; he said it was no slight question. Our exports to Brazil amounted to 5,000,000*l.*, with a revenue then daily declining. He produced a thrill of horror when he described the consequences which would ensue from the loss of that trade. That was urged as a reason for re-creating the Treaty of Commerce with Brazil six years ago; but this important commerce, it would seem, has fallen off one moiety during that period, for our exports do not rank as high now as three millions; and now, as if to exemplify the proverbial mystery of Brazilian statistics, the right hon. Gentleman the Chancellor of the Exchequer comes forward and quotes an authoritative communication from Brazil, in which his correspondent said—"We don't care what you do about your Sugar Duties; we have no sugar to send you. It is all the same to us, get sugar where you please; the demand is greater than the supply; your legislation is a matter to us of the most perfect indifference." What then becomes of the great case, that if you don't have a treaty of commerce with Brazil, the old story, or don't alter the Sugar Duties, the new story, you will lose your commerce with the Brazilians? What commerce? where will you forfeit it? how will you forfeit it? Answer that if you can. But if this is to be treated as a question of commerce, I have already given some intimation to the House how important the present arrangement of the Sugar Duties may be with reference to the interests of Manchester and the great towns in its neighbourhood. It becomes us to consider what really that commerce is which we have with the Brazils. The Brazilian nation!—the empire of the Brazils!—immense phrases! But when you recollect that the free population of Brazil is not that of a moiety of the metropolis in which we live, scattered over a country five times larger than England—that these proprietors possess two millions and a half of slaves—and that this is the Brazilian empire and nation—it becomes us to pause and consider whether we are about to be gainers by this transaction. Two millions and a half of slaves—of notoriously the worst customers; beings that are badly fed, and cheaply clothed. Well, to put the case fairly before the House, will you give up your commerce with English Colonies for commerce with a Portuguese Colony? It comes to that. It may not be so politically, but commercially Brazil is only a Portuguese Colony. When she makes treaties for the suppression of the Slave Trade, that country then assumes an imperial character. As regards her financial and commercial resources, Brazil offers you no more, or little more, than she did when she was a mere Colony of Portugal, and when you supplied her through the mother country. Well, take those West Indies that now no one defends—those forlorn Antilles—those islands which have tonight been delineated in so picturesque a manner by the hon. Member for Weymouth—those proprietors whom you have betrayed, and those slaves whom you emancipated; and I ask you now, in their lowest fortune, what are they as customers compared with the Brazils? Why, at this moment, as your customers, they greatly exceed the Brazils. But when you look at that great continent, which you have so long enjoyed and so long abused; when you look at the fortunes and capabilities of that great peninsula, connected as it is—from the proposition before the House—with this subject; if you take an enlarged and really statesmanlike view of your colonial resources and colonial capabilities, who, for a moment, would dwell upon our commerce with Brazil—a commerce which that country rejects, which it repudiates in comparison with India? The Brazilians tell you, indeed, in their own words, which you heard read by a Chancellor of the Exchequer, that they can offer no increased demand for your productions. What then, I say, is Brazil, what is Cuba, what is all the custom of Fonseca, compared with that of our own Colonies? But, Sir, I forgot; our colonial trade is only part of a "vicious circle." The Colonies of England, we are told by the First Minister of the Crown, are only a portion of a "vicious circle." I think it is desirable when Ministers of the Crown—I care not whether they be men of primal conviction or of recent conversion—or on which side of the Table they may sit—I think it is desirable that when, with their great power and position, they come forward and deliver themselves of these loose abstractions, they should deign to enter into some detail, and condescend to enter into some argument. I would rather say facts; of arguments the right hon. Gentlemen on both sides are great masters; but an argument *in vacuo* is proverbially worthless. When they tell us that we may emancipate ourselves from this vicious circle, it would be extremely interesting—it might be extremely advantageous—to the public, if they would give us, even in the vulgarest pounds, shillings, and pence, some idea of the profit and loss—if they would only strike a balance, say, "old-fashioned notions, so much," and then turn to enlightened principles and emancipated commerce, and prove that the effect of these new ideas and this novel course will at least be to increase our resources and to benefit our trade. But it is not our fortune to fall upon such times. I see one, who was a Minister of the Crown, who presented us with an income tax; I see another, who is a Minister of the Crown, who has almost promised us a deficiency. But if, after testing our colonial system under the greatest disadvantages—after taking the fag end of that system, which even the proprietors of the soil, notwithstanding all the flush prosperity which they have derived from it, have not the courage or the spirit to support; we find it so fertile of benefit and fruitful of advantage to this country, compared with the favourite district of abstract philosophy and Board of Trade management, I think the House must hesitate before it adopts the Resolutions of the noble Lord the Member for the city of London. I say "Board of Trade management," because no one can be insensible to the great, and for a long time secret, influence which has been exercised upon the commercial fortunes of this country, by almost unknown, and always irresponsible men. I say nothing of one departed—a man whom I knew and respected—Mr. Deacon Hume, who is now quoted by those who are or would be counsellors of the Crown. All I will say is, that, long before the Import Duties Committee was established, long before that evidence was given, to which with almost infantile ingenuousness I have heard statesmen of most mature years appeal as authority, Mr. Deacon Hume told me, that year after year, in the pages of an established and most respectable periodical, he had given all this evidence—he had communicated all this knowledge and communicated it in vain. But our statesmen never read, and are only converted by Parliamentary Committees. We have had another reference to a gentleman connected, I believe, with the same or a similar office—a most respectable gentleman; and I only mention him because the First Minister of the Crown brings forward the name of that gentleman to influence our opinions. The noble Lord (Lord J. Russell) while he expressed his opinions with that classic neatness and propriety which he displayed the other night, while he indicated—as I remember he before did in 1841—the remarkable inconsistency which he thought fatal to the anti-slavery cause, said, "These opinions are opinions which have been long adopted by men of intelligence, by Mr. M'Culloch and others." I will not say it would have been ingenuous on the part of the noble Lord (because I am sure he is incapable of anything intentionally disingenuous, and I think a Minister of the Crown is not called upon, in a formal statement, to make any unnecessary admissions which might destroy the general effect of his exposition); I will not say it would have been ingenuous, but I will say it would have been curious, if the noble Lord had told us, when he brought forward Mr. M'Culloch as an authority to influence the House on the arrangement and disposition of the Sugar Duties, that that gentleman was an honest, an honourable, but an avowed supporter of slavery as an institution. It would have been curious if the noble Lord had told us that in the very page of the very work to which he referred, Mr. M'Culloch has laid down his conviction, founded upon study, upon long observation, and I believe upon personal experience, that there is no delusion greater than the objection against slavery—that it is an institution that has worked well for the world and for society—that the cultivation of the tropics never could have been achieved without slavery—that, in every view, it is an institution far from being justly open to the opprobrium and denunciation which have been applied to it—and that it is to be viewed in quite a different light, and respected in quite a different spirit. Yet this is the authority to which the noble Lord appealed—an authority pensioned by one who was recently Prime Minister of this country, and praised by the noble Lord who is actually Prime Minister. Why, what must the country think of such an authority? There is a proverb in Turkish, with which I dare say the hon. Member for Bolton (Dr. Bowring) is familiar, that "fortunate is the fruit that is sunned on both sides." This gentleman is fruit of that description. Yet this admirer of slavery—this bold, honest, uncompromising supporter of that institution—is appealed to by the noble Lord, with that sort of adroit dignity and noble simplicity which characterize him. Mr. M'Culloch is brought forward—he is brought forward to control public opinion—M'Culloch *versus* Clarkson. Here is a great political economist, but his slavery tendencies are kept in the rear. He approves the noble Lord's principles: he has supplied the noble Lord with some of his arguments; but no one has yet, to this moment, announced that Mr. M'Culloch is an avowed and ardent supporter of slavery. Well, then, there is another gentleman connected with the Board of Trade whose authority is also quoted; he is a gentleman who would preach peace and goodwill to all men; and that is his principal argument in favour of the Slave Trade; it is his principal argument in favour of the achievements of Fonseca. This gentleman can listen to nothing which compromises a principle; and that is his answer to all our facts and all our reasons. But though this gentleman's argument is absurd, his absurdity has not the charm of novelty. There was also a gentleman, a pedant, who thought himself a philosopher, who said, at the time of the French Revolution, "Perish the world sooner than compromise a principle!" What was the fate of that individual? Ere twelve months had passed after he uttered this dictum, self-complacent as he was, he committed suicide in despair of the fortunes of the human race, and at his own impending catastrophe. I am bound to say, under these circumstances, I think that the argument which the Government has produced founded on our partial encouragement of slavery—that that argument which has been brought forward with such frequent ostentation, is an argument that cannot hold; that it has no foundation. But, Sir, I am not opposing the Resolutions of the Ministry merely on account of their antagonistic character in reference to our previous arrangements as to slavery. I do oppose them because they are hostile to what may be considered a fragment, but a fragment which I value, of the colonial system of England. Sir, these are for the moment old-fashioned notions; but in my belief they will yet be furbished up by the national approbation. Though it is only a fragment of that system which is now at stake—though you have fatally tampered with that system—though you have deprived it of many of its most beneficial phases, and this country of many of its greatest advantages—though in other instances you have followed an *ignis fatuus*, as deceptive and as destructive as that Brazilian trade about which you give us such contrary accounts—and not only contrary but unpromising accounts—still would I cherish the hope that this fragment may be preserved, because I believe that ere long you will have to rebuild the structure you have destroyed, and that you will have to retrace the steps which, in my opinion, you have so heedlessly pursued. And this I believe for two reasons: because it is not only from my conviction that your policy is wrong that I came to such a conclusion; that is not a sufficient reason, for all men may be mistaken, and every man who adopts an opinion flatters himself he is right; but because I have observed in our history that it is the characteristic of this country that it always retraces its steps. I believe the prosperity of England may be attributed to this cause, not that it has committed less blunders than other countries, but that the people are a people more sensible of their errors. The history of England is the history of reaction. Why, what have you not done, and what steps have you not retraced? You destroyed your Church Establishment, and you replaced it. You destroyed your ancient monarchy; and you re-established it. You destroyed the House of Lords; and now you are obliged to take up your Bills to them for their sanction. You even abolished this very House of Commons; and yet here we are assembled debating a great question. It is not more than 100 years ago, that in this House you chose to effect one of the greatest financial revolutions in the world. You were warned against it. An hon. Gentleman, then the leader of "the country party," rose and denounced the policy of Sir R. Walpole. You had, out of the House, the most gifted statesman and eloquent writer of that day affirming that, by adopting a system of indirect taxation, you were effecting the degradation of the people. And what happens now? Is there a man who speaks on the subject, who does not tell you that he approves of indirect taxation? Are you not retracing your steps on that important question? By the speeches of your ablest —by the votes of your most influential men, are you not proving that Sir William Wyndham was right, and that Lord Bolingbroke, was a true prophet? You say that you don't retrace your steps. Why, contrast the debate going on with what has previously taken place in this House as to the abolition of slavery. Here are Ministers of the Crown coming forward, and in the face of England acknowledging that for forty years we have been in error, and that they must now terminate for ever the greatest effort which the people for themselves ever commenced. You yourselves acknowledge that 50,000,000*l*. have been expended on this effort. The very men who came forward with measures against slavery now virtually tell you that the Slave Trade has baffled all their efforts; and, under their auspices, instead of their opponents you are about to become its tributaries. When you hear these very men and these very Ministers announcing that within the last forty years you have expended more than 50,000,000*l*. for the suppression of slavery, I ask how, when going to the hustings, will you explain the course which it is now proposed to adopt? Will not the people say—"What is this Parliamentary Government of England? These men who tell us they expended 50,000,000*l*. to put down slavery, now come forward and acknowledge that they have expended it only to effectuate a failure!" I believe that you will retrace your steps, reconstructing the great industrial system which you so rashly, and in circumstances so personally peculiar, destroyed. If it be an error—if this completion of a course which I denounce as mischievous be an error—then this can be said of the people, that in that error they have not participated. They did not send you here to destroy the colonial system of England. To you remains all the glory; and under no circumstances can they experience the shame. And now, Sir, I should no longer trespass upon the attention of the House, had I not remembered that there was one speech made in the debate last night, which I could not pass unnoticed. Sir, we heard last night a funeral oration delivered over the abolition cause by the noble Lord the Member for Liverpool (Lord Sandon). I thought if the subject was not choice, the orator, at least, was chosen. When I remembered another speech which that noble Lord made on the same subject, at a period not very remote, I must say he was the last person from whom I should have expected any criticism on the Resolution of my noble Friend (Lord G. Bentinck). Certainly the Resolution of the noble Lord the Member for King's Lynn, whatever the taste of others might have to object, did not contain that prudential parenthesis which appeared in the Resolutions of the noble Lord the Member for Liverpool in 1841. I cannot take upon myself, whatever may be my private opinion, to inform the House which is the authentic speech as regards the opinion of the noble Lord (Lord Sandon). By courtesy it is the speech of last night; by unction I should say it is the speech of 1841. It completes the picture of this eventful Session to see the noble Lord the Member for Liverpool mounted on a hogshead of sugar, in a white sheet, holding the taper of penitence, and crying "*peccavi.*" At his last election I remember the noble Lord had carried before him a wooden bible. I am of opinion that the speech of last night was the wooden bible speech. I believe the *litera vera* may still be found in the speech of 1841. Notwithstanding the defection from our ranks of this chosen champion of sugar and anti-slavery, I still had thought that we might have fought a good battle for the good old cause if we could have enlisted on our side the wonted assistance of the right hon. Gentleman the Member for Tamworth. The right hon. Gentleman made a speech which, in my opinion, was an admirable *resumé* of every argument which could be adduced against the Resolutions of the noble Lord at the head of the Government. No one understands the West Indian question better than the right hon. Gentleman; there is not a detail which has escaped his thoughtful and vigilant attention; and I am sure that the somewhat solemn warning he gave to the noble Lord at the head of the Government to take care, if he facilitated immigration into the West Indies, that the free labourers should be accompanied by a sufficient supply of the gentler sex, would not be lost on the noble Lord. But great was the mortification of myself and my Friends around me, when we understood that that speech terminated by a resolution which was fatal to our hopes. The reason which was given, however, for the course which the right hon. Gentleman pursued was less ingenious and more surprising than most of the arguments we have heard even from him. If the right hon. Gentleman really is convinced, as no one can doubt, of the opinions which he expressed with so much ability, is it possible that our colonial empire—a population under such peculiar circumstances—is it possible that such great interests, which, if not national, are most important and extensive—is it possible that these are to be sacrificed for such minute considerations as who shall sit on that (the Ministerial) bench? I said, a few minutes since, that if we go to the hustings, and tell the people of England that 50,000,000*l.* of their treasure have been spent in prosecuting a delusion, perchance they may have some misgivings as to the excellence of this Parliamentary Government under which they have so long been living; but, when they are told that it is not a question of 50,000,000*l.*, but of principles which they appreciate beyond all treasure, which are given up by one of the most gifted of our assembly against his conviction—for the sake of party convenience, and for the calculation as to "who should be the Minister of England;" then I fear it will be farewell to the Parliament of England. The right hon. Gentleman told us, indeed, that he could not under the circumstances of the case act otherwise than he did, because he could not see how any Government could be formed. I will not stop to notice the indecorous habit which has crept into the House of always speaking of the Government of this country as to be appointed and selected not by one out of the House, and in a higher position, but by the House itself. But this I will tell the right hon. Gentleman, that in my mind his *forte* lies not so much in forming a Government as in destroying one. These are the views, which I have imperfectly attempted to express, that have influenced the noble Lord the Member for Lynn and my Friends around me in resisting the Resolutions of the Government. I am glad to believe that there is not a Member of that Government—that there is scarcely a Member of the House, who will suppose that, in the course which we have taken, we have been influenced by an illegitimate or sinister feeling. I can fairly say that as regards the Government themselves—remembering the circumstances under which those noble Lords and right hon. Gentlemen acceded to power, remembering that I myself as a member of the majority that virtually placed them on that (the Ministerial) bench—cannot—ought not to shrink from the minute portion of responsibility falling even to me, I should feel that it was a step greatly to be deprecated and long to be pondered over, before, immediately after they had obtained power, we placed ourselves in collision with them. But I cannot believe—I cannot see—that any other course could have been taken by us than that which we have pursued. I believe that there is not a Member of the Government who can suppose that I am expressing opinions and sentiments which I do not feel; and if the Government cannot impute such motives to us, still less do I believe that any other Gentleman in the House, or party in the country, can imagine that we have been influenced by any factious or selfish feeling. The Members of the West Indian body did not stand by us (the protectionists) "in the hour of death and the day of judgment;" and many Gentlemen have said to me "Why should we support them?" I believe that they thought that by not fighting the battle then, they might still gain time; it is the policy of the weak; and it seems by the admission of the right hon. Gentleman they might have been saved perchance for a year. Perhaps it is better that the catastrophe should be consummated. Perhaps it is better that if the system of protection is to be put an end to, that it should be put an end to under existing circumstances, and by this protection Parliament, which was elected virtually by the success of a Motion which pledged the Commons of England to support the colonial interests. I heard the other night the right hon. Gentleman the Member for Tamworth express the considerations that induced him to come to the conclusion at which he had arrived. I challenge the propriety of that resolution; I impugn the sagacity of that decision; I deny the assumed necessity on which it was founded. On the contrary, I say that the noble Lord at the head of the Government might more fairly have come forward and said, "This is not a vital question, I should think, since, when the right hon. Gentleman led the Ministry and the Parliament of England in 1830, he was opposed and defeated on the Sugar Duties, and yet he did not think fit to resign." The noble Lord might have said, "I have been called to power under peculiar Parliamentary circumstances—I have received a *quasi* confidence from those who are opposed to me on great constitutional principles, and I have told them in a memorable speech"—a speech which did not in any degree compromise the position of the noble Lord—"I have told them that I am not anxious to disturb the peace and public mind of England; that I am not desirous of bringing forward any question which should place us in collision. I have received a *quasi* confidence from a party who, on account of their numbers, are not to be despised, and I see before me one who has been a Minister, eminent for his ability, but who has pursued a course which, right or wrong, has forfeited for ever the confidence of Parliamentary England; and considering all these circumstances, considering that the right hon. Gentleman himself was once in a similar position, and did not think fit to resign; considering that there is in this House of Commons no evidence of a hostile or factious opposition; considering the position of the right hon. Gentleman himself, which is one which gives him great influence in this House, but who is deprived for ever of any influence in the country—I think I am only doing my duty to my country and my Sovereign by, whatever may be the opinion of the House on this question, retaining power." I believe that if under these circumstances the noble Lord had remained in power, he would have remained with honour—with honour to his party and credit to himself, and I am willing to believe, with advantage to the country; but the course taken by the noble Lord has left none other to us but to give it a hearty, honest, and most sincere opposition. I call, therefore, on every Member of the House who may be meditating on his decision to decide with us; and I tell them that whatever may be the result, of this I am certain, that if it is carried against us, it is a decision that will give another, perhaps a last blow to the character of public men, and I am sure that it will be received by those out of the House who sent us here with blended feelings of sorrow and indignation.

LORD J. RUSSELL: Sir, in rising towards the close of this debate to address some observations to the House, I must, in the first place, most willingly declare that my noble Friend, whether in the Motion that he has made, or whether in the speech with which he prefaced that Motion, has not proposed anything or said anything of which I personally can have the least reason to complain. The noble Lord, no doubt believing in the truth of his own principles, has declared his opposition to the plan of the Government, and has asked this House, in a Parliamentary Resolution, to declare its opinion on the subject. But, Sir, that Resolution does affirm principles which, I think, go far beyond the condemnation of the immediate plan before the House. I could understand my noble Friend, however, saying this is a very late period of the Session; it is impossible to alter the whole system of your Sugar Duties without considering other questions which are involved in it; let us have further time for consideration; we, therefore, must vote against the adoption of the plan before us; but we shall be ready at the commencement of another Session to take that or any other plan which the Government may have matured, into consideration. I can well understand that that course might have been taken by my noble Friend, and he might indeed have been supported in it by a majority of the House, and the Government might still think themselves justified in continuing to administer the affairs of this country. Sir, the course which my noble Friend has taken is widely different from that. It declares, in the first place, as I think, an adherence on the part of this House to the principles of commercial protection. It declares, in the next place, that the plan before the House is calculated to give a stimulus to the Slave Trade. It altogether condemns, upon those two allegations, the whole plan which has been submitted to the consideration of this House of Parliament. Sir, I will endeavour, in the first place, to touch upon some few of those topics to which my noble Friend adverted, and which the hon. and learned Gentleman who has just sat down has repeated, and I will then ask the House to consider what may be the effect of the adoption of the Resolution now before them. My noble Friend commenced with a statement as to the production of the Colonies, but more especially as to the produce of British India. I am not going at present to follow him in any calculations with regard to the amount of sugar that may be introduced into this country from India during the present year. I would call your attention to the principle upon which my noble Friend proceeds. It is, that you should endeavour to create an interest in India for the production of sugar, by giving a higher price for that sugar than it would otherwise obtain if you did not by law interfere. Now, Sir, a worse instance of the adoption of a protective policy I could not well conceive. I can well understand with respect to corn, with respect to any production which has been long favoured by law, that any Minister may say, "This is a system which it is very difficult to touch; there is too great a part of our population whose interests are involved in the production which you interfere with; too many interests have grown up under the ancient system which you are about to disturb; it is impossible for me, therefore, unless very gently, to interfere with those interests." But my noble Friend says nothing of that kind. His is not that limited and partial defence of protected interests which Mr. Huskisson and others have at various times adopted. My noble Friend says, you must raise up a protected interest; you must by law create a protected interest; you must give to the sugar of India an advantage in the market of England by raising the price by law, in the hope that in some future year you will obtain such a production as may suffice for the consumption of the people of this country. Now I am not going to argue the question of protection and free trade; but this I wish to point out to the House, that unless they are ready to recall their former votes—unless they are persuaded not only that protection ought not to be interfered with when established, but that it is in itself an admirable system for the welfare of the country, and that it ought to be invented and cherished where it does not now exist—unless the House is prepared to come to that opinion, they cannot well assent to the Resolution of my noble Friend. Well then, Sir, the hon. Gentleman who has just sat down entered into some statements with regard to the revenue. Now, I am not going to follow him into figures upon that subject either, but I will observe that both he and my noble Friend seem entirely to cast out of their calculations that which we calculate upon, and what I think we justly calculate upon, that with diminished duties and diminished price there will be increased consumption; that with increased consumption you will have additional importations; and that with additional importations you must have an increase of revenue. My noble Friend, on the contrary, seems to me to take exactly the same figures whatever may be your amount of duty, and supposes that with a very high amount of duty you have exactly the same consumption as that you would have with the diminished duties which we have proposed to the House. But, Sir, a more important question, and upon which the hon. Gentleman who has just sat down asks the House to agree to the proposition of my noble Friend, is the last part of his proposition, that the plan which is now before the House will give a stimulus to the Slave Trade. Sir, upon that subject I must say that the hon. Gentleman who has just sat down was led by his exuberance of fancy into a most extraordinary confusion of ideas. The hon. Gentleman seemed to suppose, because we have said, and have said for these five years past, that we did not think that the exclusion of slave sugar, and of slave sugar alone, of all slave produce, from the markets of this country, could be permanently kept up as an efficient system, that therefore we are ready to say that the abolition of slavery was in itself a failure. Why, Sir, no two propositions are more distinct. When the hon. Gentleman says that Mr. Wilberforce and Mr. Clarkson, in proposing the abolition of the Slave Trade, and in desiring the abolition of slavery, never objected to the consumption of slave-grown cotton, it is obvious that their proposition and the question of the consumption of slave-grown cotton had no conceivable relation to each other. They said, "Let us abolish the Slave Trade; let us abolish the Slave Trade carried on between our Colonies and Africa." Mr. Wilberforce said afterwards, "Let us in our own Colonies abolish slavery." With that proposition the consumption of the produce of other countries having slaves had no immediate relation. But after these plans had been adopted, after these measures had been carried into effect, there then arose another question, and it arose accidentally, rather than from any fixed purpose, and that was whether you should give a protection to your own Colonies against all sugar which was the produce of the slave Colonies of other countries. And thereupon arose the question, whether, in the first place, that was defensible upon the principles of protection; and, in the second place, whether, not being defensible on the principles of protection, there was any ground of morality upon which you could defend that protection? Sir, we maintain that you could not; but, at the same time, with regard to that great question, in the first place, of the prohibition of the Slave Trade; and, in the next place, of that great measure in which I had the honour of bearing a part as an adviser of the Crown, namely, the abolition of slavery in the British Colonies; I still hold to those two great measures as wise and righteous measures, as measures founded upon sound principles, as measures justified by humanity, as measures which experience has sanctioned, and which no House of Parliament would, I venture to say, ever propose to disturb. But, Sir, the question that we have now before us is, as I have already pointed out to the House, a totally different one. It is this question, whether, not prohibiting the admission of slave cotton, of slave copper, of slave rice, of slave tobacco, and of all the other products of slave labour, you do in effect put any effectual check on the Slave Trade, and on slavery, by the single prohibition of slave-grown sugar? Now, my noble Friend said, that in quoting these examples, I was only justifying one wrong by another; that I was using the old argument, that if I must be hanged for a lamb, why not be hanged for a sheep? But, Sir, I do not admit the wrong. I do not admit that it is wrong to take slave-grown cotton, or slave-grown rice, or slave-grown tobacco, or any of those other slave-grown products. I do not admit that it tends to civilization, that it is wise, that it would further the cause of humanity in the world, if you were to declare that in your Tariff and your Custom-house books, you would take an exact account of the manner in which certain articles were first produced, and afterwards brought to the ports from which they were embarked for this country. Let us, Sir, suppose at an early stage of the affairs of Europe any such principle had been adopted—suppose our ancestors had examined into our trade with Asia, our trade with the various countries in India, or our trade with Africa, and had said that with none of those countries would we trade if we found that slavery existed in those countries, and that their practices were barbarous and inhuman: will any man say if such had been the case—if, on the ground of humanity, such had been the policy of this great commercial nation—mankind would be in a better situation than they now are? Will any man say that the commercial intercourse of this great and civilized country with Asia and with Africa has not tended to mitigate the barbarous practices which have existed in India and in other countries? And on the whole review of the state of the world, will any person say that it has not produced a far more happy relationship between men and men than would have been the case if you had proceeded upon a narrow and exclusive principle, which, though it seemed humane, would have really turned out to be a barbarous and an injurious policy? Such, Sir, I think, is a fair deduction from the principles which the hon. and learned Gentleman has put forward. My right hon. Friend near me has quoted the opinions of the Anti-Slavery Society of Liverpool. The opinions of that society are to this effect:—

> "That freedom is served by the admission of slave-labour produce, and not by the exclusion of it. They are of opinion that free labour, when brought into competition with slave labour, can be made much more productive and profitable than otherwise. They cannot but regard the system of a continuance of protection duties upon free labour as a virtual and practical declaration that that argument is foolish and untenable. They believe that sugar will be successfully produced by free labour, and thereby the most convincing lesson will be exhibited to slaveholding countries that their true interests are inseparably connected with the immediate and entire renunciation of this odious system."

Such, Sir, is the opinion expressed by the Anti-Slavery Society of Liverpool. I hold in my hand a report from a different body—namely, the Standing Committee of West India planters and merchants—made this year. They say—

> "To undersell the produce of slave labour by the produce of free labour, is the only good evidence of economy that will have any practical influence in discouraging the former. Without that they believe that all our efforts will be useless, and will be equally unnecessary. The simple plan to adopt for the abolition of slavery is to render its continuance unprofitable by cheaper productions, and to destroy the demand for slaves by affording an abundant supply of free labour. That remedy has not as yet been tried, and it is now for the first time attempted. If it be fully carried out, it will afford the most certain prospect of success."

Now, Sir, these two opinions are in their expressions identical; and yet they come from two very different bodies—the one from the Anti-Slavery Society of Liverpool, and the other from the Standing Committee of the West India body, who are deeply interested in the preservation of our Colonies. I say, then, that no man has a right to assert that the plan we propose tends to increase the Slave Trade and slavery. Let me take another step in the argument, and let me endeavour to show you that the present system actually prevents what free labour would undoubtedly effect. That argument is no other than the well-known argument which experience has repeatedly shown to be well founded—namely, that the effect of monopoly and protection is always to check exertion, to diminish enterprise, to prevent the full and fair results of the capital, the skill, and the labour of those engaged in any branch of agriculture or manufacture. What is the case in the West Indies? We have had, during the last two or three years, some evidence given before the Committee of the House of Assembly of Jamaica, and in pamphlets written by persons who were well acquainted with the West Indies. All these go to show that the cost of production of sugar is very much greater than it need be if they had all the advantages of machinery, or if the applications of skill were used which modern science and modern industry have suggested. I have a pamphlet before me in respect to the cultivation of sugar in the West Indies, which shows the plan recommended to be generally well founded. The author may have exaggerated expectations on the subject. I have, however, no doubt that there is much truth in his statements. He declares that the hundred weight of sugar which now costs for its production 26*s*., might be produced at a cost of only 14*s*. Now, I do not rely with confidence upon these particular figures. I do not say that they are precisely correct, but I am decidedly of opinion that there might be very great economy exercised in regard to the manufacture of sugar under the circumstances to which I have just referred, and if those Colonies were exposed to competition. It is competition, and competition alone, which ever does bring out enterprise and economy. I have spoken of late years to various persons who were engaged in various branches of manufacture, and I have asked them what their opinions were in respect to the great advance made in machinery during the late years. They all answered me by saying that the great press of competition had of necessity led to the great improvement of machinery, and encouraged a resort to every species of economy, in order that their produce might not be undersold in the markets of the world. The same stimulus, if applied to the West India Colonies, my belief is, instead of damaging their interests, would considerably raise them, and would enable them to flourish in a much greater degree than they could ever do for many years under the present system. An hon. Gentleman who has spoken to-night has made a statement which I was sorry to hear—namely, that he knew of one person who had resolved not to send out any further supplies to his property in the West Indies; and that he would not cultivate his estate there any longer. I believe that if other persons would undertake the cultivation of these estates, and use the proper machinery requisite for them, there could be no better speculation than to advance money for West India production even at the present day. The hon. Gentleman who has just sat down has alluded to some other points on which I wish to touch before I conclude my address to-night. With regard to the opinion of Mr. M'Culloch, I wish merely to notice this point for one purpose. Mr. M'Culloch usually does me the honour to send me a copy of his works. The last work was one upon Taxation. He sent me a note with it, stating that he hoped I should approve of the greater part of that work; but with respect to his opinions therein expressed upon slavery, he knew that I disagreed with him. I know Mr. M'Culloch to be an able and well-informed writer; and yet, upon that particular question of slavery, he and I widely differed, and shall continue to differ, in opinion. The hon. Gentleman having been led away by an erroneous impression, seemed to imagine that I had said our Colonies formed a part of a vicious system. On the contrary, I said that the Colonies were a great part of the strength of the Empire, and I trusted that they would ever flourish. But this I did say, that the ancient system by which the mother country had refused to allow her Colonies to send their produce anywhere else but to the mother country, and obliged the Colonies to take only their goods from the mother country—I said that this was a vicious system, to both the mother country and to the Colonies, and that both would flourish far better under an improved and a more rational system. Now, this is a point of the utmost importance. I know that there are many who say, that if it were not for this ancient system we should not have achieved that prosperity in our Colonies which you wish to destroy. I declare, on the contrary, that the colonial system ought to be altered, and that both the mother country and the Colonies would flourish much better under an altered system. But with regard to the attachment between both—to the connexion of union between them, no person can more firmly adhere to the colonial system, or can more heartily desire the prosperity of our Colonies, than I have always done, and shall continue to do. The hon. Gentleman made, I think, some very curious remarks as to the policy of this country, and the experience he has derived from what, he says, he has observed in respect to political economy. His observation, it appears, has led him to the conclusion that this country was always retracing her steps. Now, a more extraordinary discovery, and one less expected by me, could not have been made. No doubt there may be particular cases in which Parliament has repealed Acts that it had previously passed, or has found reason to modify some of them; but that this country has ever gone back, or, after having adopted an improved system, has gone back to errors which she had already exploded, I utterly deny that that is the characteristic of this country. I do not refer now to what had occurred in those times of violence when the Throne and Parliament were scattered by the decision of the House of Commons acting with usurped authority, and which itself fell before the Protector's sword; but I speak of those days when we had a regular government after the restoration of the House of Stuart. Nothing can be more apparent, nothing more clear, nothing more beautiful to the reader of history, than to see the progress of this country in improvement since then, and the determination which it has ever exhibited of maintaining its conquests of reason. In those days of which I now speak, personal liberty was not safe. Persons were imprisoned at the will of the Sovereign, and sent to any distant place of confinement. The Habeas Corpus statute was passed; but has the country ever retraced its steps with respect to it—have we said that personal liberty ought to be at the will of a monarch? The Revolution took place, and the Bill of Rights was passed. Have we ever repealed the Bill of Rights—has any one ever proposed that the rights secured by Parliament then should be again renounced, and that we should again embrace the dark and slavish political system which flourished under Charles II.? The press was under a censorship: it was set free. Has it ever again been placed under censorship? The Dissenters were fined, imprisoned, and persecuted, because they preached doctrines which they believed to be true. The Act of Toleration was passed; and has the country ever again descended to persecution—has it ever been proposed that we should retrace our steps and make it penal for a man to preach what he believes to be the will of God to the congregation around him? With respect to a great question of later days—with regard to that great act in which Mr. Wilberforce took so great a part—the abolition of the Slave Trade; has it ever been proposed, either in this or the other House of Parliament, that the Slave Trade should be restored, that we should retrace our steps with regard to that measure? I might allude to other measures, if they were not likely to be the cause of difference of opinion among Members of this House; but I think I may safely risk the assertion, that, with respect to the enjoyment of the religious liberty which we now have—when Members of this House may be Protestants, Dissenters, or Roman Catholics, or of the profession of any form of Christian faith in which they believe—there is no party in this House who would wish to restore the disabilities and disqualifications under which they laboured. Then, I say, my conclusion is exactly opposite to that of the hon. Gentleman—I say, that, whatever small incidents he may be able to quote to the contrary, whenever a question has passed under discussion, and the leaders in Parliament have taken a decided part in repealing restrictions or prohibitions, or in bettering securities for the liberty of the subject—when the mind of the country has been awakened to, and has discussed, and weighed, and measured all those matters, and the question is settled and decided—that with respect to these great questions you will find that the triumph has been permanent—that the triumph of reason, of liberty, and of truth has been gained without convulsion, and has remained without risk of reverse. My noble Friend who began this debate, and the hon. Gentleman after whom I am now speaking, contemplated the passing of this Resolution; and at the same time, with the greatest courtesy to Her Majesty's present Ministry, they contemplated that after the passing of this Resolution Her Majesty's Ministers could continue with benefit to administer the affairs of this great country. Sir, I thank my noble Friend for the courtesy with which he spoke of us. I have, as I said, nothing to find fault with either in his making this Motion, or in the terms of the speech in which he introduced it. But the Resolution itself is completely subversive of the policy I wish to establish. It is a complete censure of the course which we, in this first great measure that we have proposed in the House of Commons, have recommended to their adoption as a course calculated for the benefit of the people of this country. Sir, I had hoped, in taking upon myself, together with my Colleagues who have done me the honour to act with me, the administration of affairs at a time when there was no certainty of a party to support us—when I could not say I had a majority of political adherents who would enable me to carry my measures—I had hoped that after a period of angry contest —after a period in which a measure had been carried with more violence of opposition than has been usual in this House, that there would be that kind of acquiescence on the part of a great majority of the Members of this House, that would allow the Ministers of the Crown to develop their policy, that would allow them to administer the affairs of the country until they could take a settled course, and that then a majority of the House would be able to decide whether that course did suit their views of public interest, their views of moderation, their views of the permanent maintenance of the institutions of this country, to which I believe the majority of this House is attached. With that expectation, therefore, I did feel what an hon. Gentleman some few days ago called the presumption—I did feel sufficient presumption—to induce me to undertake the administration of the affairs of this country. But, Sir, I did not think any Ministry would carry on the affairs of this country with advantage, either as regards its domestic affairs, or as regards its character in the face of foreign Powers, unless it had the respect of this House and of the country; and I should feel that if I tamely acquiesced in such a Resolution as my noble Friend has proposed—if I should consent to go on, having my own course censured and the policy of my noble Friend adopted in its stead—I should be exposing my Administration to contempt. I should be injuring the dignity of the Crown, whose servant I am; I should be injuring the reputation of the Government of which I should be nominally at the head; and I should be even diminishing in some degree the glory of the great nation to which we all belong. I could not, therefore, I frankly confess, carry on the affairs of this country if my noble Friend's Resolution were to be adopted by the House. I am of opinion that if that policy is the policy of this House, and if that Resolution correctly represents the opinion of the majority of this House, that Her Majesty would do well to place office in the hands of those who possess the confidence of that majority; but it would be a policy of which I could not approve, and a policy to which I could not give my assent. Those, however, who adopt that policy would, in that case, have a right to say, "We have a majority in this House; we bring forward the policy in which we are sincere believers, and which is approved of by a majority of the representatives of the people, and, we believe, by the people at large." That would be a constitutional and intelligible course to take; and the people would then be able to judge whether the policy of my noble Friend, or the policy of the late Administration, or the policy of the present Government, was the policy of which they approve. But for a Government to hold office, degraded by the Resolution of my noble Friend, brought forward on the very first measure they proposed to Parliament—to hold office thus debased, would be to do permanent injury to the Constitution of this country; and I feel that I should not be justified in continuing to administer public affairs on those terms.

On the Question, "That the words proposed to be left out stand part of the Question," House divided:—Ayes 265; Noes 135: Majority 130.

List of the AYES.

A'Court, Capt.
Aglionby, H. A.
Ainsworth, P.
Aldam, W.
Anson, hon. Col.
Antrobus, E.
Archbold, R.
Arundel and Surrey, Earl of
Attwood, J.
Baine, W.
Bannerman, A.
Barclay, D.
Barkly, H.
Baring, rt. hon. W. B.
Barnard, E. G.
Barron, Sir H. W.
Bell, J.
Bellew, R. M.
Benbow, J.
Berkeley, hon. C.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Berkeley, hon. G. F.
Bernal, R.
Blackburne, J. I.

Blake, M. J.
Borthwick, P.
Botfield, B.
Bouverie, hon. E. P.
Bowes, J.
Bowring, Dr.
Bridgeman, H.
Bright, J.
Brotherton, J.
Brown, W.
Browne, R. D.
Browne, hon. W.
Buller, C.
Buller, E.
Byng, rt. hon. G. S.
Carew, hon. R. S.
Carnegie, hon. Capt.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chapman, B.
Christie, W. D.
Clay, Sir W.
Clements, Visct.
Clerk, rt. hon. Sir G.
Clifton, J. T.
Colebrooke, Sir T. E.
Collett, J.
Collins, W.
Courtenay, Lord
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Curteis, H. B.
Dalmeny, Lord
Dalrymple, Capt.
Dashwood, G. H.
Denison, W. J.
Denison, J. E.
Denison, E. B.
Dennistoun, J.
D'Eyncourt, rt. hn. C. T.
Dickinson, F. H.
Divett, E.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Dundas, Adm.
Easthope, Sir J.
Eastnor, Visct.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellis, W.
Elphinstone, Sir H.
Escott, B.
Esmonde, Sir T.
Etwall, R.
Evans, W.
Evans, Sir De L.
Ewart, W.
Ferguson, Col.
Ferguson, Sir R. A.
Fleetwood, Sir P. H.
Flower, Sir J.
Forster, M.
Fox, C. R.
French, F.
Gibson, rt. hon. T. M.
Gill, T.
Gisborne, T.
Gore, hon. R.

Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hamilton, W. J.
Harcourt, G. G.
Hastie, A.
Hatton, Capt. V.
Hawes, B.
Hay, Sir A. L.
Hayter, W. G.
Heathcoat, J.
Heneage, G. H. W.
Heneage, E.
Herbert, rt. hon. S.
Hervey, Lord A.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hogg, Sir J. W.
Hollond, R.
Holmes, hon. W. A'C.
Hornby, J.
Horsman, E.
Hoskins, K.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Howard, Sir R.
Hume, J.
Humphery, Ald.
Hutt, W.
James, W.
James, Sir W. C.
Jermyn, Earl
Jervis, J.
Jocelyn, Visct.
Johnson, Gen.
Johnstone, Sir J.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Layard, Capt.
Leader, J. T.
Le Marchant, Sir D.
Lemon, Sir C.
Lincoln, Earl of
Listowel, Earl of
Macaulay, rt. hon. T. B.
Mackinnon, W. A.
M'Carthy, A.
M'Donnell, J. M.
Maitland, T.
Mangles, R. D.
Marjoribanks, S.
Marshall, W.
Marsland, H.
Martin, J.
Maule, rt. hon. F.
Milnes, R. M.
Mitcalfe, H.
Mitchell, T. A.
Moffatt, G.
Morpeth, Visct.
Morris, D.
Morrison, J.
Mostyn, hon. E. M. L.
Muntz, G. F.
Napier, Sir C.
Neville, R.
Nicholl, rt. hon. J.

Norreys, Sir D. J.
O'Brien, C.
O'Brien, T.
O'Connell, M. J.
O'Conor Don
O'Ferrall, R. M.
Ogle, S. C. H.
Osborne, R.
Oswald, A.
Oswald, J.
Owen, Sir J.
Paget, Col.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Pattison, J.
Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, J.
Pendarves, E. W. W.
Philips, G. R.
Philipps, Sir R. B. P.
Philips, M.
Phillpotts, J.
Pigot, rt. hon. D.
Plumridge, Capt.
Polhill, F.
Ponsonby, hn. C. F. A. C.
Power, J.
Price, Sir R.
Protheroe, E.
Pryse, P.
Pusey, P.
Ricardo, J. L.
Rich, H.
Romilly, J.
Ross, D. R.
Rumbold, C. E.
Russell, Lord J.
Russell, Lord E.
Russell, J. D. W.
Rutherfurd, A.
Sandon, Visct.
Scrope, G. P.
Seymour, Lord
Seymour, Sir H. B.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan. R. B.

Smith, B.
Smith, J. A.
Smith, rt. hon. R. V.
Smythe, hon. G.
Somers, J. P.
Somerville, Sir W. M.
Spooner, R.
Stanley, hon. W. O.
Stansfield, W. R. C.
Staunton, W. H.
Staunton, Sir G. T.
Stewart, P. M.
Stuart, Lord J.
Stuart, H.
Strutt, E.
Sutton, hon. H. M.
Talbot, C. R. M.
Tancred, H. W.
Thesiger, Sir F.
Thornely, T.
Tomline, G.
Tower, C.
Towneley, J.
Traill, G.
Trench, Sir F. W.
Troubridge, Sir E. T.
Tuite, H. M.
Turner, E.
Vane, Lord H.
Villiers, hon. C.
Wakley, T.
Wall, C. B.
Warburton, H.
Ward, H. G.
Wawn, J. T.
White, S.
Williams, W.
Wilshere, W.
Wood, rt. hon. C.
Wood, Col. T.
Worsley, Lord
Wortley, hon. J. S.
Wyse, T.
Yorke, H. R.
Young, J.

TELLERS.
Tufnell, H.
Hill, Lord M.

List of the NOES.

Ackers, J.
Acland, Sir T. D.
Acton, Col.
Allix, J. P.
Astell, W.
Austen, Col.
Bagot, hon. W.
Baillie, Col.
Baillie, H. J.
Baldwin, B.
Bankes, G.
Benett, J.
Bennet, P.
Bentinck, Lord G.
Blackstone, W. S.
Blakemore, R.
Bodkin, W. H.
Boldero, H. G.
Briscoe, M.
Broadley, H.
Broadwood, H.

Brooke, Lord
Buller, Sir J. Y.
Carew, W. H. P.
Chapman, A.
Chelsea, Visct.
Chichester, Lord J. L.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Codrington, Sir W.
Collett, W. R.
Compton, H. C.
Deedes, W.
Dick, Q.
Disraeli, B.
Douglas, Sir H.
Douglas, J. D. S.
Duncombe, hon. O.
Du Pre, C. G.
East, J. B.
Fellowes, E.

Finch, G.
Fitzmaurice, hon. W.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Forman, T. S.
Fox, S. L.
Frewen, C. H.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. M.
Gooch, E. S.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Granby, Marq. of
Grogan, E.
Hale, R. B.
Hall, Col.
Halsey, T. P.
Hamilton, J. H.
Hamilton, G. A.
Hamilton, Lord C.
Hampden, R.
Harris, hon. Capt.
Henley, J. W.
Hildyard, T. B. T.
Hill, Lord E.
Hodgson, R.
Hope, G. W.
Hudson, G.
Hussey, T.
Ingestre, Visct.
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Ker, D. S.
Knight, F. W.
Knightley, Sir C.
Law, hon. C. E.
Lawson, A.
Lefroy, A.
Lindsay, hon. Capt.
Long, W.
Lowther, Sir J. H.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
M'Clintock, W. B.
Manners, Lord C. S.
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Mildmay, H. St. J.
Miles, P. W. S.
Miles, W.
Morgan, O.
Mundy, E. M.
Neeld, J.
Neeld, J.
Newport, Visct.
Newry, Visct.
O'Brien, A. S.
Ossulston, Lord
Packe, C. W.
Pakington, Sir J.
Powlett, Lord W.
Reid, Col.
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Ryder, hon. G. D.
Sanderson, R.
Scott, hon. F.
Seymer, H. K.
Sheppard, T.
Sibthorp, Col.
Smith, A.
Stanley, E.
Stuart, J.
Thompson, Ald.
Thornhill, G.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Tyrell, Sir J. T.
Vesey, hon. T.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Williams, T. P.
Wodehouse, E.

TELLERS.
Beresford, Major
Newdegate, C. N.

Paired off.

FOR.	AGAINST.
Acheson, Lord	Copeland, Ald.
Baring, rt. hon. F. T.	Baring, T.
Blake, Sir V.	Emlyn, Visct.
Busfeild, W.	Buck, L. W.
Bulkeley, Sir R. B. W.	Walsh, Sir J. B.
Byng, G.	O'Connell, D.
Cayley, E. S.	Pakington, Sir J. S.
Dawson, hon. T. V.	Coote, Sir C. H.
Duff, J.	March, Earl of
Ellice, E., jun.	Balfour, J. M.
Granger, T. C.	Round, C. G.
Gregory, N. H.	Leslie, C. P.
Heron, Sir R.	Baillie, W.
Howard, hon. J. K.	Gladstone, Capt
Howard, Capt.	Hope, Sir J.
Hanmer, Sir J.	Farnham, E. B.
Langton, Col. G.	Kerrison, Sir E.
Loch, J.	Ferrand, W. B.
Lyall, G.	Round, J.
Matheson, J.	Drummond, H. H.
M'Taggart, Sir J.	Bentinck, Lord H.
Martin, C. W.	Smyth, Sir H.
Milton, Visct.	Bailey, J. J.
Morison, Gen.	Bateson, T.
Molesworth, Sir W.	Goring, C.
Rawdon, Col.	
Rice, E. R.	Barrington, Lord
Scott, R.	Attwood, M.
Strickland, Sir G.	Burrell, Sir C. M.
Stuart, T. V.	Colvile, C. R.
Trelawny, J. S.	Plumptre, J.
Vivian, hon. Capt.	Chandos, Marq. of
Vivian, J. H.	Powell, Col.
Walker, R.	Rashleigh, W.
Watson, W. H.	Marton, G.
White, Col. H.	Cresswell, B.
Winnington, Sir T. E.	Palmer, R.
Wrightson, W. B.	Worcester, Marq. of

The Resolution was then agreed to, and the House adjourned at half-past One o'clock.

HOUSE OF COMMONS,

Wednesday, July 29, 1846.

MINUTES.] PUBLIC BILLS.—1°. Episcopal Revenues and Dioceses.

2°. Spirit Licenses and Duties; Consolidated Fund (£4,000,000); Baths and Washhouses (Ireland); Burial Service (No. 2).

Reported. Art Unions; Drainage of Lands; Wreck and Salvage; Newfoundland; Steam Navigation.

3°. and passed. Prisons (Ireland); Grand Jury Cess Bonds (Ireland); Mandamus (Ireland); Adverse Claims (Ireland); Shannon Navigation; Militia Ballots Suspension.

PETITIONS PRESENTED. By Mr. O'Connell, from Architects and Builders of the City of Dublin, and from James Whelan, Architect and Builder, in favour of the Exclusive Privilege of Trading Abolition (Ireland) Bill.

CHARITABLE TRUSTS BILL.

MR. HUME said, he was quite willing to postpone this Bill if Her Majesty's Government would undertake to bring in a measure on the subject. The question was, however, one of so much importance, that he was unwilling to let his Bill drop without a distinct pledge on the part of the Government that it would be proceeded with. He wished the House would allow the Bill to go through Committee *pro formâ*, in order to give him an opportunity of printing some Amendments which he wished to introduce in it. The hon. Member concluded by moving, that the Speaker do leave the chair to go into Committee on the Charitable Trusts Bill.

The ATTORNEY GENERAL hoped that the hon. Gentleman would not proceed with the Bill at present, as many hon. Members had absented themselves under the impression that it would not come on, and also as his right hon. Friend the Secretary of State for the Home Department had not yet arrived.

MR. HUME said, he would have no objection to postpone his Motion until the right hon. Baronet took his seat.

Sir ROBERT INGLIS said, he wished to take that opportunity of stating some of his objections to this Bill. He thought that a Bill less worthy of being concocted by the two hon. Gentlemen whose names appeared on the back of it, and with less appearance of having been revised by a learned lawyer, who he understood had revised it, had never come before the House. It was entitled, "A Bill for procuring regular accounts of all Property secured for Charitable Purposes in England;" but he thought it went much farther than that title would lead one to suppose. He apprehended that, as it at present stood, it included the universities, the royal hospitals, and all voluntary societies; that it comprised in its provisions the 40,000 chapels and schools connected with the Dissenting interests, as well as every school connected with the Established Church; and that it went down from those who had 100,000*l.* a year to administer, to the churchwarden who distributed 20*s.* in a loan to poor widows at Whitsuntide. He believed that the Bill was not worth the paper on which it was written, for it gave no penalty against a churchwarden or head of a bible society who should resist its provisions; and he would therefore beg leave to move as an Amendment that the House do resolve itself into a Committee on this Bill on that day six months.

Sir GEORGE GREY understood, that during his unavoidable absence from the House, his hon. Friend had consented to postpone this Bill, on the understanding that the matter would be taken up by Her Majesty's Government. He had spoken to his noble and learned Friend the Lord Chancellor on this subject, and he trusted that early next Session the Government would be prepared to introduce a Bill, and to state the course which they intended to adopt. He trusted, therefore, that his hon. Friend would now allow them to proceed with the other business on the Paper.

Mr. ESCOTT hoped the Government would be prepared with a measure on this important subject next Session. He was very sorry that the Member for the University of Oxford should be the person to oppose inquiry into the manner in which these trusts had been fulfilled. The right hon. Baronet might, however, rest assured that the people of this country would have an account of the manner in which charitable trusts were administered. He could tell the hon. Baronet of charities in which nine-tenths of the funds were expended for purposes which the founders never contemplated. He could mention cases in which those who were interested in the management of charities put nine-tenths of the income of the charities into their own pockets, instead of applying the funds to the purposes for which they were intended. Let an inquiry be instituted, and the House of Commons would see how necessary an enactment of this sort really was.

Sir GEORGE GREY said, he thought he had distinctly stated already, not only that the Government would consider the question, but that it would be, early next Session, prepared with a measure on the subject. Without entering into any of the details at present, which, he thought, could not be expected from him, he had no hesitation in saying that his own impression was, that the principle of any Bill brought in ought to be the principle of the hon. Gentleman the Member for Montrose, namely, the principle of accountability. To that principle he was prepared to give his support.

Mr. HUME was perfectly satisfied with the assurance of the right hon. Baronet as to the determination of Her Majesty's Government to introduce a measure next Session. He would beg to offer but one suggestion to the right hon. Gentleman, and that was, that some means should be devised as a speedy and cheap mode of adjusting all disputes arising in the administration of these charities.

Sir R. PEEL thought the hon. Gentleman had exercised a wise discretion, after the assurance of the Government, in withdrawing the Bill. The principle that all parties in whom was vested any charitable trust, or who acted in the administration of any charities, should render an account of the way in which they disposed of the funds entrusted to them, appeared to him fair and just. One of the objects which would be gained, if the Bill passed, might be furthered, perhaps, by the Government in the interval before the next Session. The advantage of accounts would very much depend upon the uniformity of the form in which they were made. The right hon. Gentleman might in the recess take the accounts of eight or ten charitable institutions, and he would then see the sources from which the revenue was derived, and so make something like a general form; for the clearness and utility of the accounts would very much depend on the mode in which the different items were specified. He recollected that in the Banking Committee there were returns ordered from the bankers of their assests and liabilities; and yet from the returns of such a body it was impossible that any inference could be drawn, in consequence of the different forms in which the returns were made, and the different particulars included under the term "assets." But if the right hon. Gentleman would, in the recess, look to the different accounts, and have a form drawn up which would be perfectly clear and comprehensible, he would avoid errors, and the accounts would be intelligible when they were presented to the House.

Sir R. H. INGLIS said, the right hon. Baronet had commended what was the most objectionable part of the Bill, for he would include the accounts of all voluntary associations. He did not object to the principle of accountability for public money; but he did object to any accounting for private funds; and he hoped that Her Majesty's present Government, reinforced with all the strength of the late Government, would not be able to carry any plan for bringing voluntary contributions within the machinery of this Bill.

Mr. BERNAL had objected to the application of the Bill to chapels, to religious societies, and in other cases, all of which had been since embraced in the Amendments proposed by the hon. Member for Montrose; and he therefore thought the hon. Member for Oxford had not shown his usual plain dealing in treating the Bill as it first stood.

Amendment agreed to.

Bill put off for six months.

ART UNIONS.

Mr. WYSE moved that the Art Unions Bill be recommitted.

Mr. GOULBURN objected to the Bill as conferring on the Crown the power of giving persons by charter the right to distribute sums by way of prizes, which was nothing more than a lottery. The defence put forward for the measure was, that it would benefit peculiar classes, who would be benefited in no other way except by allowing these lotteries, and that it was limited to a useful object—the encouragement of art. It was, however, a great question of principle; for if they might raise a sum by way of lottery for the encouragement of art, where were they to stop? The Bill itself was very general: it referred to "paintings and other works of art." Did it apply to those processes of manufacture, such as making porcelain, plate, furniture, and various other articles, in which though the parties engaged were not usually considered to come under the term "artists," those parties showed a degree of skill and ingenuity which it was equally desirable that the public should encourage, and which, for the interest of the public, if encouragement was to be given by these lotteries, ought not to be excluded? They were by this Bill trying to avail themselves of one of the vicious propensities of our nature to engage in games of chance, and to make them available for an object which was not of itself objectionable; but if it was useful or proper to raise money by such means, the rule ought to be extended to other objects which were equally desirable. To show the manner in which these lotteries worked, he held in his hand a prospectus from Mr. Boys, setting out that certain public works of art would be disposed of by lottery, and which was as much like the laudatory addresses of the old State lottery time as could be; and the encouragement given would produce the same results. There was to be one prize of 2,000*l.*, and there were others of smaller amount, down to twenty-five of 100*l.* each; and at the end it was stated that there were to be "no blanks;" each person would therefore at least gain something worth a particular price. "Cromwell's Family," and some pictures by Landseer, were to be thus disposed of. The scheme was open to the same objection as the State lotteries. He had also received a great variety of communications on this subject, in which he was told what had happened with respect to prizes given by the art unions which had already existed. One gentleman, of a respectable station in life, said that the fortunate holder of a prize among the class of shopkeepers and mechanics having made what they called "a hit," transferred the pretended advantage to a public house, where it was raffled for at 1*s.* a head, and the winner put it into another raffle at a sum still less. He knew that the right hon. Gentleman in his Bill prohibited this mode of disposing of works of art, except to the original subscribers; but did the right hon. Gentleman think that the middle classes would not consider themselves subjected to hardships if they were not allowed, when they were in difficulties, to dispose of their property by the same mode by which, according to the morality of this Bill they would be perfectly justified in acquiring it? He complained that in this Bill they took advantage of the national taste for gambling, to give one class an advantage which they denied to others; and he did not think the House ought to encourage such a measure. The right hon. Gentleman moved, therefore, that the Bill be recommitted that day three months.

Mr. M. MILNES could not concur in the indignation aroused in the right hon. Gentleman against the principle of lotteries; he did not think them so objectionable as was supposed. When they were put down, the people were scarcely prepared for the step; and if they were now appealed to, he doubted whether they would deliberately confirm the decision of the House. But the right hon. Gentleman was carrying even that principle to an injurious extent; and his own kindheartedness would make him admit that this was a quixotic attempt to carry out his rule of morality to an extreme. The question of the encouragement of art in this country was a painful subject for those who seriously considered it. When he saw the small sums contributed by the higher classes in this country, and when he saw genius, unable to restrain its high estimation, suffering from want and penury because it received no encouragement, it would cause him pain to give a vote to throw again into penury and privations those artists who had been relieved and elevated in consequence of art unions. He trusted especially that the right hon. Baronet the Member for Tamworth, who had shown so generous a feeling on a recent sad occasion connected with the arts, would not join with the right hon. Gentleman, and sacrifice for the shadow of a prinple a real benefit to deserving men, and a general benefit to the artistic education in this country. The objections to the Bill were somewhat far-fetched. Did the right hon. Gentleman really expect that the evils which flowed from State lotteries could follow from this measure? Could he conceive that men would ruin themselves and their families to acquire a few paintings, or that there would be any of the other unfortunate results which followed the State lotteries? He should give his hearty support to the Bill.

Sir R. PEEL had felt no wish to take part in this discussion; and thinking it probable that as the Government were about to support this Bill, any opposition would be ineffectual, he should have been content to have rested the expression of his concurrence in the general views of his right hon. Friend on the approving "hear, hear" which he had given; but after the appeal made to him by the hon. Gentleman, if he were not to address the House, the inference might be that he agreed with that hon. Gentleman, and not with his right hon. Friend. He thought the course now about to be taken was an exception to right principle, and that, like all exceptions from right principles, they would reap much practical inconvenience from it. The principle of lotteries was not the question they had then under discussion: the hon. Gentleman, however, declared that he had no objection to the principle of lotteries; that the people were taken by surprise by the Acts of the Legislature in putting them down; and that if an appeal were now made to their deliberate judgment they would not sanction the decision to which the House had come. Upon this great question he did not think that there had been any reaction, or that the public mind had changed; but if they were to re-establish them, let them be re-established for public purposes, though they were avowedly wrong purposed; for it was admitted that the revenue would be benefited by this encouragement of the spirit of gambling; but they were not about to do this, or to gain any pecuniary benefit by the encouragement of lotteries; all that the promoters of the Bill did was to come and ask the Legislature to relax the rule with respect to art unions, and they said that the artists were in favour of the Bill. Why, of course they were in favour of what would benefit themselves, though it would not be permitted in other cases. [Mr. M. Milnes: It was permitted in races.] Of course it would be said that this ought to be done to encourage the breed of that noble animal the horse, and if they allowed picture unions they might as well allow also horse-racing unions. [Mr. M. Milnes: They received the sanction of the Crown, and Queen's plates were given, which led to betting and gambling.] The Legislature could not prevent betting at races, and he hoped there would be nothing in their legislation which would descend to such a subject as that; but they ought to adhere to a principle, and not to depart from it in the hope of promoting art, or any one department of art. The question was, however, whether if they did depart from the rule, it would be of advantage to art? He doubted it. He was aware of the pressure to which Members of the Government and of the Legislature were subjected on this question. There were persons in several towns who, influenced not by the love of art, but by the love of gambling, had established these art unions, and held out prizes of 500*l.*, 400*l.*, and 300*l.*, thus creating all the excitement of gambling. These people then said, "We are patrons of art." Not at all! They were patrons of gambling. He entertained great doubt whether these art unions had a tendency to encourage a high style of art. If they adopted the principle of encouraging this particular branch of art, by making it an exception from the general rule prohibiting lotteries, he did not think the ultimate effect of that course would be the advancement of art—at least of what was valuable in art. It might, indeed, lead to an increased demand for inferior productions; but he did not think it would encourage any productions which might not be dispensed with without any great detriment to the interests of the arts. If, however, they made this exception in a particular instance, in favour of one branch of art, he thought they would do great injustice if they did not extend the exception to other branches of art, persons engaged in which might wish to avail themselves of this system of gambling for the sake of gain. Who, he would ask, did not receive every day a proposal for a raffle? There was hardly a man who had a bad picture which he could not dispose of by ordinary sale, who did not seek to get rid of it by means of a raffle. If any person had a production he could not dispose of in a legitimate way he said, "Let me have a raffle; let me have a lottery for the purpose of getting rid of this article; let me take advantage of the love of gambling and speculation to get a better price for my property than I could otherwise obtain." The case was much the same with regard to art unions. He must say he thought it disparaging to art when patronage was sought from such sources; and it was unjust to deprive other persons who wished to dispose of their property by the same means of the opportunity of doing so.

Mr. WYSE regretted that the right hon. Baronet should have taken the course which he seemed to have prescribed for himself; because upon a recent occasion when he had the honour of waiting upon the right hon. Baronet with a deputation, his opinions did not appear to be so strong either in a legal or moral point of view, upon the merits of the question. There were two considerations: one was, whether this Bill were a violation of a great moral principle; and the second, whether the violation were not justified by the particular circumstances of the case. It was true that the distribution of paintings by art unions was by means of a lottery; but it was a lottery which involved no violation of the principle which prohibited gambling. In the case to which the right hon. Gentleman had referred, an eminent legal authority, upon its being submitted to him, drew a distinction between it and art unions. In that case the returns went into the pocket of the individual; but in the case of art unions the contributions raised from the subscribers were distributed in works of art to the benefit of each member of the association, There was, therefore, a distinct and marked difference between the case of an ordinary lottery, and the lottery of art unions. The Legislature had sanctioned the same principle in other associations. In all building societies the members were allowed to draw by lot for this or that building, of which particular building all the members but one were deprived; and why not allow the same principle to be introduced in the case of art? And as to the morality of the question, the right hon. Baronet ought to remember that many Gentlemen, some belonging to his own Government, Judges on the bench, Senators in that House, and noble Lords in the other, had sanctioned for years, and given every encouragement to the continuance of art unions. A strong imputation was thus thrown upon those Gentlemen of not knowing the morality of the question. The right hon. Baronet admitted, however, that the objections to art unions would not be so strong if they were found favourable to art. Excellence in art was a matter of taste; and there would necessarily be some diversity of opinion upon it; but the proof that the objection was unsound, was in the fact that there had been a great advance in taste. The right hon. Baronet said they did not encourage high art. On this point two considerations arose, not only whether particular artists were to be encouraged, but whether taste was to be diffused among the population at large. Taste for art could only be created by diffusing among the population a love of art; this again could only be done by means of engravings; for it was not every man who could procure pictures of the highest excellence, unless he had the large fortune as well as the excellent taste of the right hon. Baronet. It was recommended in the Report of the Committee on Art Unions to apply a certain portion of the annual receipts to the encouragement of statuary, painting, and engraving of the highest character; it was recommended specially not merely to collect the works of living artists, but to engrave after the best masters; the immense advantage was also urged which would arise from cultivating a taste for medals, cameos, and gems. And when the public at large were found willing to subscribe 40,000*l.* annually, in sums of one guinea, by which these results might be obtained, would the Legislature step in upon a mere scruple, and stop all the benefits of all these societies? These societies had been the means of expending 100,000*l.* in objects of art. It was objected, in the first instance, they would be the means of preventing patronage, especially in Ireland; but the effects in Dublin had been far otherwise, for at the exhibitions there, from which formerly not more than 50*s.* was received, 1,000*l.* a year was now obtained, with every prospect of the amount increasing. On these grounds he wished the Bill to pass, and to pass as rapidly as possible, because the Protection Bill of last Session expired at the end of the present month.

SIR R. H. INGLIS said, on a former occasion when this subject was discussed, he had differed in opinion with a late lamented Member of that House, Mr. Gally Knight, whose superior taste and judgment in all matters relating to the fine arts would be universally admitted. That hon. Gentleman had contended that the cultivation of the fine arts tended to improve the character of the people. He then denied that it improved their moral character: he still held the same opinion; and in proof of the fact he might refer to the state of Greece, Rome, and Italy, at periods when the fine arts were in the most flourishing condition in those countries. Twenty years ago the Legislature declared, by assenting to a Motion of Lord Lyttelton's, that lotteries were immoral in themselves, as rendering private vices subservient to the public advantage. He concurred in that opinion; he held that lotteries were utterly immoral. Those schemes had been declared illegal; and it was for the promoters of this Bill to show that any special exemption should be afforded in favour of the fine arts. If the House were called upon to name one more enlightened friend of art and artists than another, it would have pointed out the right hon. Gentleman the Member for Tamworth, even if his name had not been brought before the public in connexion with his endeavour to alleviate the sorrows and wants of a recent distinguished professor of the arts—the right hon. Baronet having almost at the moment before the death of Mr. Haydon contributed that large and liberal sum which came so opportunely. His right hon. Friend's opposition to the Bill went far to decide him; and he concurred with his right hon. Friend that the House would not only encourage a wrong principle in the mode by which they proposed to support art, but that the art so encouraged was not the highest. If the system were found to encourage Raphaels and Michael Angelos, he should still object to it; but he believed they were only producing a lower kind of art. If the Spitalfields weavers came to the House to ask leave to dispose of their productions by way of lotteries, he did not see how the House could refuse to pass a Bill giving them permission. He concurred in the Amendment, that the Bill be read a second time that day three months.

SIR W. JAMES would also support the Amendment. He believed the art unions were very injurious to the trade, and that they inflicted an injustice upon those engaged in the trade. It had been said that the higher classes did not encourage the arts in this country; but he would assert that they encouraged the arts more liberally than the higher classes in any other country whatever. He was delighted to hear that large numbers of the paintings shown at the Royal Academy exhibition went to Liverpool and Manchester. The commercial interests of the country were, in fact, the great patrons of the art at the present moment. He thought it a matter of just regret that no money had been given lately to the National Gallery for the purchase of pictures, and that a sum of money was not voted annually for this purpose. It often happened that pictures of a high class were sold in September, or at a period like the present, when the attention of the Chancellor of the Exchequer was engaged in matters of finance; and, owing to there being no fund at hand, the opportunity of obtaining these pictures was lost. The sum of 5,000*l.* or 6,000*l.* would be very well set apart for the encouragement of art, and the purchase of pictures in the National Gallery. He hoped the House would not pass the Bill in its present form.

Mr. EWART supported the Bill. He contended that it would by no means encourage gambling. If it would so encourage gambling, how was it that art unions were still allowed to exist in Germany, France, Hamburg, Saxony, and other continental countries? In Belgium the law against gambling and lotteries was extremely stringent, yet in Belgium a special exemption was made against art unions. In addition to this their late Solicitor General had declared that art unions did not come under the definition of lotteries. Adam Smith, M'Culloch, and a Select Committee of the House of Commons, also had sanctioned that opinion.

Sir G. GREY concurred in the observations of his hon. Friend the Member for Oxford in his opposition to lotteries; and, with all respect to the opinion of the late Solicitor General, he could not agree that art unions did not come within the definition of "lotteries." It was quite clear, if they did not, that there would be no necessity for any Bill upon the subject. It seemed, however, that there was a necessity for the Bill: first, to remove any doubt whether they did come within the lottery law or not; and then, if they did, to subject them to such wholesome restrictions as to prevent them being converted into gambling purposes. The Committee of 1844, which was renewed in 1845, stated as the result of their inquiries, that they doubted whether some art unions had not had a gambling tendency. They then set themselves to inquire whether the evils which existed might not be remedied; and they reported that they believed the evils were not inherent in the system, or without remedy; and they suggested certain precautions which they thought would be ample remedies against such abuses. The recommendations of that Committee were embodied in the present Bill; and his hon. Friend, in bringing forward that Bill, had only acted in accordance with the views of that Committee. It was merely intended to exempt art unions from the operation of the lottery laws, and under these circumstances he should assent to the further progress of the Bill. He did not feel himself competent to give an opinion as to the effect which art unions would have upon art; but he could not refrain from calling the attention of the House to the opinion of so able an artist as Mr. Eastlake, who stated before the Committee that though he at first concurred in the opinions against art unions which had been advanced by their opponents, yet upon further consideration and reflection he had come to the conclusion that their tendency was to direct the attention of the public to art generally, and to inform and instruct them on the subject of art.

Captain LAYARD thought that if the Government were inclined favourably to entertain the provisions of this Bill, it should also extend these lotteries to books. Books which publishers could not sell would not then be a dead loss. Something had been said about the Spitalfields weavers. He would ask, were not looms as necessary to be purchased by the weavers as pictures? Why, then, not have a loom lottery? The system might be carried out to food or anything else. If the principle was admitted to be a bad one, their infringement was ten thousand times worse than the establishment of the principle itself. The Chancellor of the Exchequer was against lotteries, and yet he was willing that the Crown should sanction that which was considered to be a vicious system. If they once commenced they would be bound to continue in the same direction, and therefore he was very glad to see an opposition to the Bill.

Lord H. VANE did not think the hon. Gentleman was justified in saying that it would be necessary to proceed further. They were only anxious to adopt certain precautions, in consequence of there being a doubt as to whether art unions did or did not come under the definition of lotteries. He thought the best argument in favour of the Bill was the circumstance that a general impression existed in the country that art unions were not illegal.

Mr. ESCOTT had been a Member of the Committee referred to; and his opinion was, that hundreds of poor artists in this town would be reduced to beggary if it were not for art unions.

The House divided on the Question that the words proposed to be left out stand part of the Question:—Ayes, 50; Noes, 18: Majority, 32.

Report agreed to. Bill recommitted. House resumed. Bill reported to be read a third time.

EPISCOPAL REVENUES.

Mr. FREWEN said, that in moving for leave to bring in the Bill of which he had given notice on the subject of Episcopal Revenues, his chief object was to get it printed, so that if it should be thought desirable to proceed with the measure in another Session, he should be most happy to leave the matter in the hands of Her Majesty's Government to do as they thought proper; and as far as such an humble individual as himself could render any assistance, he would do so. There had been much discussion of late about the union of the sees of Bangor and St. Asaph, and a Bill was now before the House which had been brought down from the House of Lords relating to this subject, and which would come on for a second reading on the 5th of August. His opinion was that they ought not to legislate for particular localities, and that unless Parliament was prepared greatly to increase the number of bishops, the union of the sees of Bangor and St. Asaph ought to take place; for if the Report of the Ecclesiastical Commissioners, which was made in 1835, was fully carried out, the united diocese of Bangor and St. Asaph would even then be the smallest in the kingdom. But nearly every noble Lord who had spoken upon this subject the other night had urged the necessity of increasing the number of bishops, and that was his object upon the present occasion. He would not, however, go into the subject at present, but would simply move for leave to bring in the Bill.

Leave given.

Bill brought in and read a first time.

House adjourned at half-past Four o'clock.

HOUSE OF LORDS,

Thursday, July 30, 1846.

Minutes.] **Public Bills.**—$1^{a.}$ Militia Ballots Suspension; Prisons (Ireland): Adverse Claims (Ireland); Mandamus (Ireland); Grand Jury Cess Bonds (Ireland).

$2^{a.}$ Sugar Duties.

Reported. Gauge of Railways; New Zealand Loan.

$3^{a.}$ and passed. Religious Opinions Relief; Battersea Park.

Petitions Presented. By Earl Fortescue, from Great Torrington, in favour of the Small Debts Bill.—From Southampton, in favour of the Baths and Washhouses Bill.—From Attorneys and Solicitors, Members of the Kent Law Society, against the Principles of the Registration of Deeds Bill.—From the Bridlington and Quay Mechanics and Scientific Institution, in favour of the Corresponding Societies and Lecture Rooms Bill.

RAILWAY BILLS.

The **Earl of CLARENDON** rose to call the attention of their Lordships to the case of those Railway Bills which were now suspended in consequence of that Sessional Order which directed that no Committee should be appointed for the consideration of opposed Bills after the 20th of July. The noble Lord (Lord Stanley) had a few nights ago presented a petition, of a kind similar to that just presented by the noble Lord (Lord Beaumont) from the Liverpool, Ormskirk, and Preston Railway Company, praying that, for special grounds, their Lordships would suspend the Order in their favour. He (the Earl of Clarendon) had then expressed an opinion that if any favour were to be extended to this particular Bill, it should be extended in the same manner to those other Bills, the promoters of which laboured under a like hardship. The general, if not unanimous, opinion of their Lordships then appeared to be that the Sessional Order should be strictly adhered to; and, as a rule, he concurred entirely in the view of the necessity for this adherence as the only means of securing order and avoiding all irregularity in their proceedings. He, however, thought that there were some instances in which, from the peculiarity of the circumstances, the Order ought to be set aside. On Friday a return had been moved for of the names of those Railway Bills which had been suspended in that House on the 20th of July, distinguishing the opposed from the unopposed Bills, and showing the dates of the several stages of such Bills. From this return it appeared that there were eight Bills which came under the operation of the Sessional Order referred to, and which could not be proceeded with if their Lordships determined on maintaining the Order intact. The promoters of all these several Bills urged special grounds why they should be exempted from this Order. They represented that the delay which had taken place in complying with the Order, arose, not from their proceedings, but from circumstances over which they had no control, and for the occurrence of which they were in no way responsible; and they urged as an additional reason for the exemption, that otherwise they would be put to very great extra expense and inconvenience in carrying their Bills forward. It appeared in the case of the Liverpool, Ormskirk, and Preston Railway, that the Bill was now a second time before Parliament—that it had been read a second time in the House of Commons on the 16th of February—that it had waited four months for a Committee, the promoters the whole of that time having been ready and anxious to bring forward their evidence—that it had been ordered to be read a third time on the 10th of July; but in consequence of delay on the part of the House, it had to be postponed, and was still in a state of postponement on the 20th of July. Similar special circumstances had placed the Swansea Railway, the Glasgow and Belfast Union, the Caledonian Amalgamation, and the Manchester and Southampton Railway Bills, in the same unfortunate position; and on those grounds an exemption was very justly demanded. There had not been given due notice of this Sessional Order; it had not been proposed to their Lordships before the 17th of March, three months after the meeting of Parliament, and only two months before the Order would come into operation. It was intended to have reference only to a Session of the ordinary duration, and thus to prevent that press of business at the close of the Session which the previous year had caused such inconvenience; but, now that it was apparent that Parliament would sit to the third or fourth week of August, it was not necessary that a date so early as the 20th of July should have been fixed upon as the date after which no Bills would be referred to a Committee. The course pursued last Session might be adopted now—that of acceding to an Order that the Bills which could not, in consequence of want of time, be proceeded with this, should be proceeded with in their present stages next Session. He, for his part, could not see that it was at all necessary or advisable to send back these Bills. An enormous additional expense would be entailed upon the several companies in fighting their battles before the House of Commons; this expense would afterwards have to be paid by the public in the shape of heavy tolls; and it was the duty of the House as much as possible to lessen, rather than to increase, that reckless waste of money so common in carrying Bills through Parliament. The Manchester and Southampton, and Liverpool, Ormskirk and Preston Railway Companies, had each been at an expense of between 50,000*l.* and 60,000*l.* in going through the House of Commons; and this expense would, of course, if the Order in this case were adhered to, have to be again incurred next Session. He considered that there was imposed upon the House, by the facts which were laid before them, an absolute duty not to deal with these eight Bills summarily; and he would recommend to their Lordships, as the best course, that they refer each of the Bills to a Special Committee to inquire, not into the merits, but into the particular circumstances attending them, with reference to this Sessional Order of the House. He begged leave to move, that a Special Committee be appointed to whom these Bills be referred.

The Earl of WICKLOW had opposed the Sessional Order when it was introduced; and he had then told their Lordships that there would happen exactly those difficulties which the noble Earl had now explained. He had always been of opinion that it was most unjust to the public, that, because a certain number of their Lordships would not attend to Railway Committees, they should fix a day after which they would not consider public business. He was bound to say that many noble Lords had been indefatigable in their labours on these Committees. He was quite sure that if those noble Lords who were within reach who had sat at all, or not often sat on Railway Committees, were summoned, they would at once attend.

Lord MONTEAGLE thought that the Resolution had been timely and wisely proposed, and he, for one, would be most unwilling, were there not special circumstances for consideration, that there should be any departure from it. He would admit that in the case of the Bills mentioned by the noble Earl, there were special and particular grounds for exemption; and he would look upon it as a gross injustice if these Bills were injuriously affected by the Order. The proposition to postpone the Bills to next Session was one which he could not sanction; it would, if adopted, create inconvenience both to the public and to the promoters of the Bills, for it would shut them out from all opportunity of altering or amending; and a very decisive reason for rejecting such a course was, that it would infallibly be followed by gambling and speculation to a very destructive degree.

Lord REDESDALE did not think with the noble Lord (Earl of Wicklow) that there had been anything unjust in the probable effect of the Sessional Order which had been adopted. It was of advantage to the parties themselves, that they should know what chance they had of getting through the House. There never was a rule made that had given so much satisfaction; the agents themselves admitted the advantage and convenience of having a limit to the time at which Bills could be brought up. If the rule was to have any effect, its operation must be absolute, and must not be affected by the fact whether the Session was a week shorter or longer. In another Session, he should certainly move the same resolution at an earlier period; but he totally denied that parties to Bills had not had sufficient notice during the present Session. He could not sanction any relaxation of the rule in favour of a particular Bill; it was impossible to favour one without doing injustice to others. With respect to the appointment of a Committee, they did not require merely five Peers to form the Committee, but they must find a noble Lord competent to act as chairman. The noble Earl (Wicklow) proposed to send for those Peers who had not served this Session; but it would be found that these Peers were those who had never served at all on Committees, and who would be just as competent to inquire into questions of this sort as any five men they might pick up at the corner of the street, certainly as any five men who had no experience whatever on this subject. The willing horses—those who understood the question, had been severely worked, and the amount of business they had got rid of was very great. He considered that the character of the House was saved by this Order. In selecting a Committee, too, it was necessary to consider who ought to be nominated; many might be ready to serve on particular Committees, having certain interests; he was almost inclined to give up his post on the Naming Committee, and asked the noble Earl to take it; the selection required much inquiry. If the Motion was affirmed, he hoped not only that they would be able to appoint the Committee, but that they would do credit to the House.

Motion agreed to.

LORD REDESDALE: What are the duties of the Committee?

The EARL of CLARENDON: To inquire into and report on Railway Bills which are opposed, and which claim an exemption from the operation of the Resolution of the 7th May last.

GAUGE OF RAILWAYS BILL.

The EARL of CLARENDON moved, that the House do now go into Committee on this Bill.

LORD BEAUMONT protested against proceeding with it this Session, in the present divided state of opinion upon the question. The effect of passing the present measure would be to perpetuate the existing want of uniformity of gauge, withpreventing future irregularity. Why not defer the consideration of the subject till next Session, when it would no doubt be perfectly practicable to devise some scheme by which existing lines, as well as those to be constructed, might be brought to a uniform system? He objected to the Bill, also, because it held out to the narrow gauge companies a hope that their plan would be the one to be universally adopted hereafter. Now, it could not be denied that there was more danger in travelling on the narrow than on the broad gauge lines, as he could testify from experience on two occasions. The noble Lord concluded by moving that the House go into Committee on the Bill this day three months.

EARL GREY justified the measure, not as the best that could be devised, but as the best that could be obtained during the present Session, and on account of the absolute necessity of passing some Bill of the kind to prevent the evils resulting from the break of gauge being extended. The passing of this Bill would, by no means, preclude Parliament or railway companies from considering the question, with a view to further amendment.

The EARL of WARWICK thought that before they insisted on uniformity of system their inquiries ought to be directed to ascertain which was the best.

After a few words from LORD REDESDALE, the original Motion was carried. The Bill passed through Committee, and was reported.

House adjourned.

HOUSE OF COMMONS,

Thursday, July 30, 1846.

MINUTES.] PUBLIC BILLS.—1°· Court of Common Pleas.
Reported. Burial Service (No. 2).
3^{a}· and passed. Poor Removal; Art Unions; Newfoundland.

PETITIONS PRESENTED. By Mr. Hume, from Members of "the Church of God," meeting in St. John's Square, Clerkenwell, and commonly known as the Freethinking Christians, for substituting Affirmations in lieu of Oaths.—By Mr. Warburton, from Secular Clergymen and Laymen of the Town of Kendal and its Vicinity, professing the Roman Catholic Religion, in favour of the Roman Catholic Relief Bill.—By Mr. Villiers, from Importers of Foreign Corn, respecting the Mode of levying Duties on Rye, Peas, and Beans.—By Mr. Thomas Duncombe, from Inhabitants of Bradford, for Inquiry into the Anatomy Act.—By Mr. Thomas Duncombe, from Tenants, Farmers, Freeholders, Cottagers, Poor, and others, of the Parishes of Llanfihangelgenewrglyn and Llangynfelyn, in the County of Cardigan, for Inquiry into the Corsefochno Inclosure Act.—From Lord Mayor, Aldermen, and Commons of the City of London, for Repeal of the Game

Laws.—By Dr. Bowring, from Abraham Jones Les Cras, of Alderbury Lodge, Les Vaux, Saint Helier, Author of a Work, entitled, "The Laws, Customs, and Privileges of Jersey," for Inquiry into the Defects in the Administration of Justice in the Island of Jersey, with the view to Reform the same.—By Mr. Warburton, from Inhabitants of the Borough of Kendal, against Enrolment of the Militia.—By Mr. Pusey, from John Wood, residing in 55, Main Street, in the Parish of the Gorbals, for Alteration of the Poor Law (Scotland).—By the Earl of Shelburne, from Guardians of the Calne Union, for Alteration of the Poor Removal Bill.

DISMISSED MAGISTRATES (IRELAND).

Mr. ROSS begged to ask the right hon. Gentleman the Secretary for Ireland, a question upon a subject of much importance and deeply interesting to the people of Ireland. The House was aware that a great many Gentlemen had been, in consequence of their political sentiments, and the part they took in the Repeal movement during the last two or three years under the late Administration, removed from the commission of the peace in Ireland. A great many magistrates of opposite political opinions were likewise removed for countenancing Orange processions, although it was denied that they had ever countenanced them at all. What he wished therefore to ask was—whether under all the circumstonces, and considering that in the present condition of Ireland a more humane and tolerant spirit had arisen and now prevailed amongst all parties, the Government would take any steps to have the gentlemen so dismissed restored to their commissions?

Mr. LABOUCHERE, in answer to the question, begged to state that the most serious attention of Her Majesty's Government had been given to the subject from the moment of their coming into office, and they had come to a determination upon it, the best way of stating which to the House would be by reading a short official correspondence which had taken place between himself (as Secretary to the Lord Lieutenant) and the Lord Chancellor of Ireland. It was as follows:—

"London, July 21, 1846.

"My Lord—I am directed by his Excellency the Lord Lieutenant to inform you that his attention has been given to the circumstance of a great number of magistrates having been removed at various times from the commission of the peace, on account of their conduct in relation to political meetings and demonstrations both in the north and south of Ireland. His Excellency is anxious not to be understood as expressing any opinion as to the sufficiency of the grounds upon which these gentlemen were removed; but he is satisfied that the continued loss of the services of so many magistrates in their respective localities is not for the advantage of the administration of justice in the country. His Excellency is, therefore, of opinion that these cases may be severally reconsidered with a view to deciding upon the propriety of restoring to the commission such of these gentlemen as you may think properly qualified for the office. I am further directed by His Excellency to inform you that it appears to him that there is no reason in the present state of the country for the exclusion of persons who have formerly taken part in these proceedings, if their restoration should otherwise be thought desirable.—I have the honour to be, my Lord, your Lordship's most obedient servant, "H. Labouchere.

"The Lord Chancellor of Ireland."

In reply he received the following letter from the Lord Chancellor:—

"Dublin, July 22, 1846.

"Sir—I have the honour to acknowledge the receipt of your letter of the 21st inst., informing me that the attention of His Excellency the Lord Lieutenant has been given to the circumstance of a great number of magistrates having been removed from the commission of the peace at various times, on account of their conduct in relation to political meetings and demonstrations both in the north and south of Ireland; and stating that His Excellency was of opinion that the cases might be severally reconsidered, with a view of deciding upon the propriety of restoring to the commission such of those gentlemen as I might think properly qualified for the office. And I have in reply to request you will inform the Lord Lieutenant that I am quite prepared to enter on the reconsideration of the cases alluded to with the proposed view; and I take leave at the same time to express my concurrence in the grounds for His Excellency's opinion as stated in your letter.—I have the honour to be, Sir, your very obedient servant,

"Maziere Brady.

"The Right Hon. Henry Labouchere."

CORRESPONDENCE OF MAGISTRATES.

Mr. CHRISTIE moved, that an Address be presented to Her Majesty for copies of correspondence between the Home Office and the magistrates of the Loughborough petty sessions, on the cases of Mary Ann Tyler, John Jarvis, and Catherine Stubbs, and of the report of the Commissioner appointed to inquire into the case of Catherine Stubbs.

Sir GEORGE GREY did not intend to oppose the Motion, although it had not been usual to give copies of such correspondence. But in the present case, one of the magistrates having chosen to bring the case before his brother magistrates assembled at the Leicestershire sessions, and the report in the newspaper not giving a complete view of the case, he should accede to the Motion, in order that the whole matter might be fairly laid before the House. But he, of course, should wish it to be distinctly understood that it must not form a precedent.

Motion agreed to.

POOR REMOVAL BILL.

SIR G. GREY moved the Order of the Day for the Third Reading of the Poor Removal Bill.

MR. V. SMITH, having adverted to the various measures promised by the right hon. Baronet the Member for Tamworth, in his speech upon the Corn Laws, as a compensation to the landed interest, said, that among these were proposals to take out of the public funds the remaining half of the expenses of prisoners, of prosecutions, the whole of the cost of the rural police of Ireland, of medical attendance on the poor, of the Perth prison, of schoolmasters and schoolmistresses, and of the auditors of unions under the Poor Laws. Besides these, three other important Bills were announced: one of these had been introduced by the right hon. Member for Dorchester (Sir J. Graham) regarding highways; another was the remnant this night to be read a third time; and the third a plan for advancing loans to landlords who wished to improve their estates. The first and the last had been dropped, and had disappeared. [Sir J. GRAHAM: The Loans Bill is not dropped. It has been recently discussed.] He should be glad to hear there was a chance of its passing. There had been upon the Table for the last three years a valuable report of Commissioners on local taxation, to which no attention had yet been paid. One of its most important recommendations was the consolidation of rates, twenty-four rates of which were levied for different purposes. Some of these had been consolidated in practice; but such consolidation, though most convenient, was illegal. There were many other points in the report deserving consideration, especially the publicity of all accounts; and it was notorious throughout the country that many charges were thrown upon the highway rate, in order to avoid the investigation of the auditors of the poor rates. The Committee of the House of Lords had produced an important report regarding the burdens upon land, which had yet attracted no notice: it touched upon required changes; and as many of the laws adverted to had been long condemned in public opinion, they only awaited speedy execution. It seemed to him that the present was the time for giving effect to such alterations as were justly expected by the landed interest; and he wished to be informed whether his right hon. Friend the Home Secretary would not appoint his Committee on the Law of Settlement this Session, although it might not be possible to do more than call for returns, which would facilitate further inquiry next year. Such had been the course pursued in 1837; and in the interval of the recess the Members appointed on the Committee advantageously directed their attention to various parts of the subject. He was of opinion that the investigation ought not to be confined to the question of settlement, for the question of rating was so intimately connected, that they could hardly be separated. At all events, it was desirable that the Session should not be allowed to expire without some distinct statement of opinion on the subject.

The CHANCELLOR OF THE EXCHEQUER said, that almost the whole of the measures enumerated by his right hon. Friend had been introduced. The Highway Rates Bill had been given up by the right hon. Baronet with the full concurrence of the House. The Poor Removal Bill stood for a third reading this evening. The Drainage of Lands Advances Bill would be recommitted on Friday. The House had voted money for the maintenance of prisoners, for the expense of prosecutions, for medical relief, for the Perth prison, and for the schoolmasters of the Poor Law unions. The only measure not introduced was, that for the payment of the rural police of Ireland, for which a short Act was necessary, which the House would, he hoped, pass before the end of the Session. Of the ten measures promised by the late Government, nine had been or would be passed; and the tenth had been given up by the Government with the consent of the House. With regard to the question before the House, the Government were not able to pay much attention to it at this period of the Session; and the question of settlement might be advantageously considered in the recess by hon. Members. He differed, however, from his right hon. Friend in thinking that it would be advisable to appoint the Committee at this late period of the Session, for he doubted whether hon. Members could be got to attend it. The attention of the Government would be directed to the whole subject during the recess; and his noble Friend would be prepared next Session either to state the views of the Government, or to move for the appointment of a Select Committee.

MR. BANKES said, to attack the present Government on the measures alluded to, was, in his opinion, unjust, because the

Government had it not in their power, so near to the close of the Session, to bring forward measures of political consequence. As to the measures propounded by the late Government to the House as great measures of compensation and relief, he could say, that the disappointment was great on the part of those whose expectations had been raised by their promises. As to the Highway Rate Bill, it was an exceedingly doubtful matter throughout the country whether it would be a benefit or not. As to the proposed payment of medical men, it was so trifling, that it was not necessary to offer any observations with regard to it: it was a boon—a very small and trifling boon; still one that it was proper should be granted. As to the Poor Law Bill, the greatest attention had been excited, and the greatest disappointment felt. For himself, he had great reason to doubt whether or not it would confer any benefit on the poor. He believed that unless there was a clause of the nature that he meant to propose, the poor man would rather be a sufferer than a gainer by the present measure. This too, he must say, that if disappointment were felt, that feeling could not be entertained with respect to the party with whom he acted; for in the early part of the Session he had proposed that the whole of these matters should be referred to a Select Committee. He believed that even now, if the Government desired to have a more extended and more efficient law, the House would concur in that desire, and devote its time to the completion of an object so valuable. Let them remember that the first laws on their Statute-book were those of Cecil and Walsingham, and that their system of Poor Law could be traced to Sir Matthew Hale; but then a Poor Law Commission was not a part of that system, and bastardy clauses formed no portion of that plan. If they looked back to the recommendations of Sir Mathew Hale, and if they adopted them, he believed they would find but little difficulty in their legislation. As this Bill had passed through Committee, he believed the poor man would be injured by it; the agricultural interest also considered itself likely rather to be injured than benefited by the measure. He could tell the right hon. Baronet the Member for Dorchester, that it would be an injury to his constituents. [Sir J. GRAHAM: I have not heard that from them.] Then it was the more proper that he should acquaint the right hon. Baronet with a fact of which he appeared to be ignorant. He then proceeded to show how the Bill would practically affect the inhabitants of Fordington, a suburb of Dorchester. It might be said to inflict an injury, and not to confer a benefit, upon a poor man, to declare that, when his time for labour had passed, he should be irremovable—it might not be a benefit to the poor man in his old age to pass his last years and expend his last breath within the walls of a union workhouse, in a manufacturing, instead of allowing him to return to his native country parish, where he might find grandchildren kindly to entertain him. He thought it would be but fair to give the poor man an option; but not only was he to be deprived of it, but the magistrate also. The poor man, in his old days, might hope that his native air would restore his health; whilst by this Bill he would be deprived of all chance of returning to the village in which he was born, and must expire in the workhouse of a manufacturing town. The answer which had been given to his proposition was, that, according to the Bill as it stood, this object might be effected if the poor man wished it, for he had only to go to some other parish, and from that other parish he could be removed. But let the House mark the consequences of that step on the part of the poor man. In the first place, it was very unjust to that other parish that it should have the expense of his removal. But, what was of much more importance, was the manner in which it would operate upon the poor man. If, being chargeable, he went into another parish, he was liable to be treated as a vagrant. That was the law. And was this the boon which they offered to the poor man, that in order to effect his object he must submit to become liable to the punishment awarded to vagrants and vagabonds? If it were the intention that the poor man should have an option, let it appear in the Statute-book. If it were not the intention, let the Government say so. He would then vote against the Bill, because he thought that, instead of a benefit to the poor, it would prove a cruelty. The right hon. Baronet opposite (Sir J. Graham) said the other night that the only difference between the system at present in existence and the system of irremovability which he had now for the first time introduced into an enactment, was simply that the right of irremovability was not to be conveyed to a man's children. That was one difference undoubtedly, but it was not the only one. There was another and a more essential difference, inasmuch as the poor man would be, in fact, a sort of prisoner under this system of irremovability; for if he quitted the place in which he had resided for five years only for a short time during that period, he had no power of returning. That was the main difference as affecting himself, his comforts, and his interests, between the new system they were about to set up, and that which had so long prevailed in this country. That was perfectly clear, if there were any difference at all between irremovabily and settlement. He deeply regretted that in a Session of Parliament when so much had been said, and properly said, in reference to the poor, so little should have been done for them; that, in short, it was doubtful whether anything had been done for their real and substantial benefit. He concurred in what had been said by the hon. Member for Northampton (Mr. V. Smith); and he hoped that this question would be seriously considered by the Government, and that they would be prepared with a measure relative to settlement early in the next Session. For much as he might estimate the utility of a Select Committee, he considered that it would be of greater advantage if such a Committee had a Bill before them, which Bill might be the subject of their honest and friendly criticism; and unless it was under these circumstances that a Select Committee were appointed in the next Session, he should hardly hope for any good from the measure. If the Government would direct their careful and zealous attention to the subject, he was satisfied they would find that some portions of the new Poor Law had been tried a sufficient length of time to prove that they had not answered the expectations originally formed of them; and he thought that one of these was the existence of three Commissioners. Let the Government have the boldness to take the matter more immediately into their own hands, and then the law would be administered more satisfactorily to the country. As it appeared that at present the Secretary of State for the Home Department had no responsibility in these matters, and no direct or immediate knowledge of these subjects, he trusted that the right hon. Baronet would connect the administration of the Poor Law immediately with his own office, taking, of course, such aid as might be requisite for that purpose. If he did that, the right hon. Gentleman would elicit a sense of satisfaction that would pervade all ranks and orders in the country. At the proper period, he (Mr. Bankes) would offer the clause to which he had adverted; and he hoped the Government would perceive that, so far from its militating against the principle of their Bill, it was, in fact, no more than a fair explanation of its clauses; that it carried out what were the benevolent intentions comprehended in this small enactment; and that, at all events, it could do no harm.

SIR G. GREY merely rose for the purpose of assurring the hon. Gentleman that he was fully sensible of the importance of the general subjects to which he had adverted; and, without at present expressing any opinion upon them, he might state that they would receive the most anxious, patient, and attentive consideration from the Government. He hoped that when this question was referred to a Select Committee, in the next Session of Parliament, the Government would be prepared to state their views, and to furnish all the documentary evidence they might think it necessary to lay before the Committee.

MR. HUME thought the statement of the right hon. Baronet (Sir G. Grey) afforded strong reason for not proceeding further with the Bill. That right hon. Gentleman told them that he was not now prepared to give his opinion on the subject. The fact was, and they need only look to the Table of the House for proof, that that House had become the executive department for carrying on the Poor Law. That certainly ought not to be the case. If the administration of the law had been committed to persons who were incapable of administering it properly, and if every Paper moved for exposed their weakness and incapacity, ought not the Government to see the necessity of undertaking the control of such an important branch of public affairs? Instead of dealing with the question by piecemeal, he thought that, in justice to all parties, they might postpone this measure until the whole subject could be taken into consideration.

MR. P. SCROPE said, that for the first time in the history of the Poor Law in this country, they were going to separate settlement and removal. He was sure hon. Gentlemen must be nearly all agreed that at the present moment the way in which it was attempted to deal with the law of removal was most imperfect and unwise.

What motive the Government could have for pushing on the Bill in its present imperfect shape, he could not understand. It was most desirable for the character of a Government just entering on office, that their first measure, affecting the material well-being and physical condition of the people, should be a carefully weighed and well-digested plan. The present Bill, however, would, he contended, disturb the poor as well as the Poor-law officers and the magistrates, who would have to decide between them, and would throw the whole country into confusion, to the great disgrace of the new Administration. The question of settlement, removal, and rating should, in his opinion, be deferred for another Session, and should then be considered together.

Mr. WILLIAMS considered it most desirable that the administration of the Poor Law should be placed under the immediate control of the Home Department. Under the present system, that law was administered most oppressively towards the poor, and in a manner which subjected the ratepayers to much unnecessary expense. If the Bill was passed in its present shape, gross injustice would be done to many parishes, and he believed it would be the source of great litigation.

Mr. FINCH considered it most advisable that this Bill should be postponed till the next Session. It was a measure that required great consideration, and if adopted in its present form, it would operate most perniciously with respect to 2,000 or 3,000 parishes. He did not see any great objection to a measure of this kind, if it was introduced simultaneously with a measure for amending the law of settlement. He considered that great benefit would, on the whole, result from the establishment of union settlements. Such a system would afford advantages for carrying out a plan of emigration on a large scale; and if two or three unions combined, it might be worth their while to fit out ships for the conveyance of emigrants at their own expense—an arrangement which would, no doubt, materially promote the comfort of the emigrants.

Mr. SPOONER considered that the postponement of the Bill would occasion great inconvenience, for measures would be taken in many places to induce poor persons to remove, in order that they might not become chargeable on the parishes in which they now resided. He believed it was a measure that would do some good, though not all the good necessary, unless the proposition of the hon. Member for Dorsetshire met with the sanction of the House.

Mr. BROTHERTON conceived that the measure was one of humanity towards the poor, and that it would not inflict those heavy burdens on parishes which some supposed, though it did not go to the extent he wished.

Mr. BRIGHT said, that the hon. Member for Salford thought that this measure would do some good between this time and next year; but the hon. Member must know that at present, owing to the prosperity of trade, which was likely to increase in succeeding years, there would be no removals of families from the manufacturing to the agricultural districts. He feared, if the measure were now passed, that, in some districts, the poor would be dogged from parish to parish in order to ascertain their settlement. He was in favour of the principle of the Bill, having no wish to see the poor working people returned from the manufacturing to the agricultural districts; but he desired the measure to be postponed for the present, as nothing was more injurious than ill-considered legislation.

Captain HARRIS supported the Bill, because he thought that it would be of immediate benefit to the poor, and nothing better could be done till the next Session of Parliament. He should be ready then to support a Motion for the appointment of a Select Committee, to inquire into the whole subject, with a view permanently to improve the laws. When the Poor Law Commission was first appointed, he thought that it was only to be a temporary board, instituted for the purpose of establishing the system of the new law throughout the country. The mode in which that system had been established, was, from want of experience, harsh and crude, and it had been found necessary to make alterations in each succeeding Session of Parliament. It was said that that the present was only partial legislation; but as humanity had called for alterations in the law in each succeeding year, he did not object to temporary, rather than partial, legislation; in the hope that next year it would introduce general and permanent improvement.

Order of the Day read. Bill read a Third Time.

Mr. G. BANKES brought up the following Clause to be added to the Bill:—

"Provided always, and be it Enacted, That if any person upon examination by the Justices to whom application may be made for an order for his or her removal to a place of previous settlement, shall signify to the said Justices his or her consent thereto, then it shall be lawful to remove such person to the place of his or her previous settlement, although such person may have resided for the five years last preceding in the parish from which such person is so removed. And it is hereby declared, that nothing in this Act contained shall have the effect of restraining Magistrates from acting and adjudicating in respect of Orders of Removal, where such removal shall be applied for, and adjudicated upon with consent of the person who is the subject of such order."

The general opinion was, that if this clause were not introduced, the poor would have no such option; and without it the Bill would be an injury rather than a benefit.

On the Question that the Clause be read a Second Time,

SIR G. GREY reminded the House that when an Amendment of a similar kind, with respect to widows, was moved by the hon. Member for Brighton (Captain Pechell), the hon. Member for Birmingham urged the expediency of adopting a clause such as that now proposed; and he (Sir G. Grey) then stated that to the principle of such a clause he entertained no objection, and that his objection was founded on its being calculated to open a door to collusion, and on the apprehension (as the result of his best consideration of the subject, and communition with persons of great practical knowledge, whose opinions were entitled to much weight), that improper means would be taken to obtain or extort the consent of parties to the orders of removal, and that the effect would be to deprive the poor of the benefit apparently offered them. If the House thought the clause was so framed as to exclude the possibility of such evils, he had no objection to make; but his own opinion still was, that it would subject the parties to them.

MR. SPOONER considered that if overseers induced a pauper to deprive himself of a right the Bill gave him, he would be a willing person, and therefore could not complain. There was much more fear of collusion as the Bill now stood, because an overseer giving a man a sovereign to make himself removable by residing for a week in the next parish, would not only get rid of the man, but would saddle the next parish with the expense of his removal, and the risk of an appeal. The proposed clause, too, would bring the question under the control of the magistrates, who might investigate whether there was collusion, or whether it was his real interest to go back to his own parish.

MR. FLOYER did not see how an overseer, since his accounts would be accurately looked into, would have any funds with which to bribe paupers to consent to orders of removal. The House should not lay too much stress on getting rid of removals; they often took place when there was a superabundance of labour at a particular spot, and in such cases the poor man ought to have the option of being removed to a place where, perhaps, he could obtain employment. The clause seemed to propose a fair and desirable provision.

MR. HENLEY did not think overseers would be very likely to bribe paupers, or purchase their consent to be removed, if, as he understood, such overseers must not only do it out of their own pockets, but would by the Bill be made liable to penalties.

MR. B. ESCOTT was convinced that this was not the way to alter the Poor Law. A Committee was promised next Session to take the whole subject into consideration; and after all, seeing that the right hon. Baronet (Sir G. Grey) really said nothing in favour of the Bill, he (Mr. Escott) doubted much whether the right hon. Gentleman was at this moment in favour of it. He was afraid that it was nothing more than a point of honour with him to carry out a measure which had been left by the late Government. He highly disapproved of such a mode of legislation. The whole operation and effect of the Bill was a matter of the greatest doubt. The right hon. Gentleman the late Secretary of State for the Home Department, had stated that much difficulty existed as to what was the right construction of an important clause of the Bill—that which referred to the period of residence; and he believed there was not a Member in the House who would venture to construe that and some other clauses. Now, were they to throw such a measure as that before the magistrates and Poor Law guardians of the country? What could they expect the decisions of magistrates to be when no one in that House was prepared to say how the clauses of the Bill ought to be construed?

MR. BODKIN was under the apprehension that if this clause passed, it would go far to defeat the whole object of the Bill.

The House divided. On the Question, that the Clause be read a Second Time:—Ayes 15; Noes 62: Majority 47.

List of the AYES.

Borthwick, P.	Escott, B.
Crawford, W. S.	Etwall, R.

Finch, G.
Floyer, J.
Harris, hon. Capt.
Henley, J. W.
Hume, J.
Jolliffe, W. G. H.
Pechell, Capt.
Sheridan, R. B.
Stuart, J.
Williams, W.
Wodehouse, E.

TELLERS.

Bankes, G.
Spooner, R.

List of the NOES.

Acland, Sir T. D.
Aldam, W.
Baine, W.
Barnard, E. G.
Berkeley, hon. Capt.
Bodkin, W. H.
Brotherton, J.
Buller, C.
Cowper, hon. W. F.
Craig, W. G.
Denison, J. E.
Duncan, G.
Dundas, Adm.
Ebrington, Visct.
Estcourt, T. G. B.
Ferguson, Sir R. A.
Fox, C. R.
Gibson, rt. hon. T. M.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grey, rt. hon. Sir G.
Hatton, Capt. V.
Hawes, B.
Hobhouse, rt. hn. Sir J.
Howard, hon. C. W. G.
Howard, P. H.
James, Sir W. C.
Jervis, J.
Jones, Capt.
Labouchere, rt. hon. H.
Layard, Capt.
Listowel, Earl of
Macaulay, rt. hn. T. B.
M'Donnell, J. M.
Maitland, T.
Marsland, H.
Maule, rt. hon. F.
O'Connell, M. J.
O'Conor Don
Ogle, S. C. H.
Palmerston, Visct.
Parker, J.
Pigot, rt. hon. D.
Plumridge, Capt.
Rich, H.
Rutherfurd, A.
Scrope, G. P.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, rt. hon. R. V.
Somerset, Lord G.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stewart, P. M.
Vane, Lord H.
White, S.
Wood, rt. hon. C.
Wrightson, W. B.
Wyse, T.
Yorke, H. R.
Young, J.

TELLERS.

Tufnell, H.
Hill, Lord M.

MR. P. SCROPE proposed the following Clause:—

> "Provided always, and be it Enacted, That the five years' residence hereinbefore mentioned, shall be construed to mean a residence of not less than one half of every year of the five during which such person shall have exercised some industrious calling within the said parish or Union."

He maintained, that if they passed the Bill in its present shape, they would open the door to the denial of the poor man's right to relief or irremovability in almost every case that might arise. There was not a case in which it might not be attempted to be proved that a man had slept out of the parish in which he resided for a few nights; and therefore he proposed that they should consider the term "residence" in the largest possible sense. If this was not done, they would have 99 out of every 100 cases disputed. He proposed, that the residence should be what every one understood to be industrial.

On the Question that the Clause be read a Second Time,

SIR G. GREY said, one obvious effect of the clause proposed by the hon. Gentleman was, that a person might have a residence of only two years and a half in a parish out of the five; and still that would not remove the doubt which the hon. Gentleman thought at present existed. This showed the impossibility of settling any minute question of this kind which might arise by legislation. In regard to the latter part of the proposed clause, he understood it to be intended to have the effect of giving the benefit of the Act to none who had not an industrial residence in the sense understood by the hon. Gentleman. But why should the man who had lived perhaps upon a dividend arising from some fund in which he had an interest, and which might perhaps fail him, be excluded from the benefits of the Act? He would be required to prove that he had exercised in the parish some industrious calling during the whole period required by the Act for obtaining a settlement. Now, he believed, such a clause as this would give rise to much dispute and litigation, and would be attended practically with no good effects.

MR. BODKIN moved a clause, showing the expense of the maintenance, relief, or burial, of persons exempted from the liability to be removed upon the common fund of the union. He had the strongest objection to the destruction of the ancient parochial system. They had, in the Poor Law Amendment Act, a machinery for carrying the principle of this clause into execution; for, according to that Act, whilst each parish in the union discharged the expenses of its own poor, there were certain expenses for objects of general advantage to the whole union which were defrayed out of a common fund, to which each parish contributed rateably. By this means, the objections which had been urged to what were called close parishes would be obviated, and any disposition to treat harshly those who became chargeable by a five years' residence would be checked.

Clause also negatived on the Question that it be read a second time.

On the Question, "That the Bill do pass," the House divided:—Ayes 56; Noes 9: Majority 47.

List of the AYES.

Aldam, W.
Baine, W.
Barnard, E. G.
Berkeley, hon. Capt.
Bodkin, W. H.
Borthwick, P.
Bowring, Dr.
Brotherton, J.
Browne, hon. W.
Buller, C.

Colebrooke, Sir T. E.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Duncan, G.
Dundas, Adm.
Ebrington, Visct.
Estcourt, T. G. B.
Etwall, R.
Ferguson, Sir R. A.
Forster, M.
Fox, C. R.
Gibson, rt. hon. T. M.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grey, rt. hon. Sir G.
Hawes, B.
Hobhouse, rt. hn. Sir J.
Howard, hon. C. W. G.
James, Sir W. C.
Jervis, J.
Jones, Capt.
Labouchere, rt. hon. H.
Listowel, Earl of
Maitland, T.
Maule, rt. hon. F.
Mitcalfe, H.
O'Conor Don
Palmerston, Visct.
Parker, J.
Pigot, rt. hon. D.
Rich, H.
Rutherfurd, A.
Sheil, rt. hon. R. L.
Sheridan, R. B.
Somerville, Sir W. M.
Spooner, R.
Stanton, W. H.
Vane, Lord H.
Ward, H. G.
Wawn, J. T.
Wood, rt. hon. C.
Wyse, T.
Yorke, H. R.
Young, J.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Escott, B.
Finch, G.
Forbes, W.
Pechell, Capt.
Scrope, G. P.
Shelburne, Earl of
Stansfield, W. R. C.
Williams, W.
Wrightson, W. B.

TELLERS.

Hume, J.
Wodehouse, E.

JOINT STOCK BANK (SCOTLAND AND IRELAND) BILL.

The CHANCELLOR OF THE EXCHEQUER moved, that the House go into Committee on this Bill, and observed, that the measure had been introduced to the House by the late Government, at an early period of the Session; and a perfect understanding had been felt, that, though late, the Bill would be carried through Parliament. It had been stated by the right hon. Baronet at the head of the late Government, that he intended to assimilate the system of banking in the two countries. The Bill before the House had resulted from this determination; and the present Government, considering the measure called for, and calculated to effect much benefit, had promoted its enactment into a law.

House in Committee.

On Clause 1,

MR. HUME objected to the Bill, and when originally brought forward had stated his objections, upon the ground that the measure was not called for, and in its operation would create a monopoly. The hon. Member for Shrewsbury (Mr. Disraeli) had spoken a few evenings since upon the principle of action and reaction; but really the Government made strange havoc of their free-trade legislation; for occasionally they followed that principle, and then they retraced their steps. He wished the hon. Member for Shrewsbury had been present to mark the mode by which sometimes the Government supported free trade and then abandoned it. Free trade could be adjudged right in some things, and why not in all? He objected to the Bill, and should also oppose it, upon the fact of the utter absurdity of the want of principle characterizing such legislation.

MR. GOULBURN stated, that the late Government, having found the necessity of legislating upon the principle of banking, had proceeded to do so, and the last Bill on the subject was that then before the House. No complaint could be made that either the House or the banking interest were taken by surprise with respect to the measure, because the existence of the Bill was well known; the bankers themselves had been apprised of the intentions of the Government respecting it; and even the Scotch Members themselves had inquired when the measure would be brought forward. He had had deputation upon deputation from Scotland upon the subject of this Bill; and Scottish Members could not now plead surprise in regard to it, or a want of notice. The right hon. Gentleman then recited the principal provisions of the Bill, and contended that they could not possibly have any injurious effect on the operations of banking in Scotland.

MR. NEWDEGATE said, that he could not admit to the right hon. Gentleman the late Chancellor of the Exchequer (Mr. Goulburn), that the public or the House had had ample notice of the intention to proceed with the measure. He must remind the House that the second reading of the measure had taken place at half-past eleven at night long since, when the attention of the country and the House was absorbed by the consideration of the great free-trade measures proposed by the late Government: no fair opportunity was then afforded for the practical discussion of the principle involved in it. He (Mr. Newdegate) knew that a great number of Members, previously to that second reading, had gone away, believing that the Bill would not be proceeded with. This alone was a sufficient reason to justify the present Chancellor of the Exchequer in abstaining from going on with the measure, when there were not six Scotch Members in the House. The system of banking in Scotland was secure, and comprehensive, and worked so well in every respect, that a measure of this kind was wholly unnecessary and uncalled for. There had been no insecurity in banking in that country; on the contrary, the Scotch system was so good that it was equally extraordinary and unfortunate that the system of banking in England was not more nearly assimilated to it. He objected to the Bill altogether, because the intention of it was to undermine the Scotch banking system; to cripple and limit the security upon which it was based, and so confine the accommodation it afforded as by degrees to bring it into discredit. That clause which enacted that no body of persons who could not subscribe—or who might not choose to subscribe—so large a sum as 100,000*l.* could form themselves into a public company for banking purposes, was quite uncalled for and mischievous. There was nothing whatever in Scotch banking that rendered such restriction necessary or proper. It was most extraordinary to hear the late Chancellor of the Exchequer quoting the disasters which occurred in England in 1825–6 under the system of 1819, and then arguing for the alteration of the Scotch system to that of England, when the instances he had himself adduced told so greatly in favour of the Scotch system, which had weakened the storm in 1825, and against the English, which had wrecked the hopes and property of so many thousands. And what was the remedy adopted in England in 1826? Why, to increase the number of partners and the capital of local banks; and this Bill was to do exactly the reverse for Scotland. But there was an under current in all this, a determination to limit the means of accommodation which the people of Scotland had so long enjoyed; to lay the same iron hand upon the legitimate use of their resources, which pressed so heavily upon the productive classes of England. How was it that agriculture had advanced so rapidly in Scotland, but by the means of the accommodation afforded to her farmers by her banking system: the advocates of the English system knew, that it was so, and were jealous of the comparison. This Bill tended to monopoly, and was therefore favoured by the chartered banks of Scotland, who would gain by it; and was supported by a free-trade Government, because it gave them the power of limiting the banking establishments. Was ever anything more inconsistent, more glaringly unjust, than that immediately upon having determined to expose our productive classes to the competition of the world, you should be creating a monopoly in banking, and limiting the resources upon which the industrious classes could obtain accommodation? Could not the Government be content with the fall of prices competition would produce, without superadding the depression consequent upon limited issue and scarcity of money? He much regretted that the present Chancellor of the Exchequer had adopted this measure. It was not the right hon. Gentleman's own Bill; and, perhaps, he might be permitted to remind the present Government that if they intended to form a sort of joint-stock company with the late Ministry, it was time they looked to the amount of their liabilities. With the permission of the House he would read an extract from a very able letter, written as a warning to the Scotch Members and nation on this subject, published in 1845:—

> "I know that your spirit and the spirit of all the northern clans would be up in arms instantly if Sir Robert were to attempt, by force, to carry his new order of things beyond the Tweed. But I must confess that I am a little fearful lest by tickling the vanity of the Scots, and baiting his hook with the promise of some temporary advantage—perhaps leaving their small notes nominally untouched until that good faith upon which they are based has been secretly undermined, and then (according to the system pursued in England) taking advantage of some partial discredit thus created as a pretext for enforcing his dogma.
>
> "That the advance of credit for forming the circulating medium of the country is a privilege and an advantage to which none are entitled; or it may be that some of the principal Scotch banks may be dealt with in the same manner as the Bank of England has been treated, first relieved from all control over the currency, as being a power quite unfit for them to exercise—then deprived of their independent character—then made the tools of an arbitrary and ambitious Prime Minister, who, having thus got them under his own control, may then insist upon the whole credit circulation of Scotland baing brought nominally under the control of those favoured banks, but really under his own; I am, I repeat, fearful lest he should thus accomplish, by cunning and stratagem, that interference with your circulation which he could not accomplish by force."

That warning, verified by the introduction of this measure, was indeed worthy the attention of Scotchmen. He would conclude by expressing his satisfaction that the hon. Member for Montrose, and other Scottish representatives, had showed by their conduct on this question that the warning he had quoted had not been disregarded.

MR. HENLEY opposed the Motion.

The Bill would have the effect of enhancing the value of money, and cheapening the price of commodities; such being the result of a similar measure in England. He had also to complain of being taken by surprise with respect to this Bill. It had been brought in last February, but a delay had been permitted to take place till the latter end of July; and the Scotch Members were very generally under the impression that it would not be brought on at all this Session.

The CHANCELLOR OF THE EXCHEQUER denied that hon. Members had any right to complain of having been taken by surprise in the case of this Bill. The Bill was originally brought in last year, but withdrawn on the express understanding that it was to be introduced again this Session. It was entered on the books for a very early day after the opening of the Session, but was postponed till a later period, solely that there might be as ample an opportunity as possible for discussion on the subject. Immediately after the accession to office of the present Ministers, he notified to the House that this measure was one of those with which the Government were resolved to proceed; and he named a remote day for bringing it forward. He was induced, however, to depart from the day that he had fixed, and to postpone the measure for a week longer, in order to receive a deputation from the bankers of Scotland on the subject; and surely, after all this, it was not open for hon. Members to complain that due notice had not been given of the intentions of the Government. He considered the principle of the measure a sound and just one, and was willing to undertake the responsibility of adopting it.

SIR R. FERGUSON thought the Bill altogether uncalled for.

MR. FORBES protested strenuously against the Bill, and hoped that the Chancellor of the Exchequer would give him time to get up a county meeting against it. He would undertake to procure numerous petitions from every parish in Stirlingshire. The present system of banking in Scotland was found to work admirably; and the measure which was now under consideration was not at all required. It would be injurious to the country to which he had the honour to belong.

MR. J. STUART objected to the consideration of a measure like that before the House when there was so thin an attendance of hon. Members. He contended that the Bill came, if not by surprise, at least under circumstances which prevented them, as a legislative body, from considering it. The Chancellor of the Exchequer had said that the Bill had been introduced last year, but that it had not been proceeded with, because there had not been time to consider its provisions adequately. He asked whether that objection did not still exist, and whether the House or the country had had sufficient time to deliberate upon it. His principal objection was, that the attention of the House and the country had been lulled asleep; and, without using expressions offensive either to the present Government, or to the Members of the late Government who took an interest in the Bill, he was sorry to be compelled to say that he had heard out of doors, and with some reason too, that at the close of the Session it was the practice to smuggle Bills through Parliament, as they were now about to do this. The Bill had been ordered to be printed so far back as the 24th of April; and nevertheless it was a remarkable fact that its provisions were not taken into consideration until the 30th of July. Almost every Scotch Member in the House had declared himself an antagonist to the Bill. The hon. Members for Stirling and Montrose had protested against it on the ground that the Bill, although purporting to extend only over a page and a half, really contained fifty clauses of another Act of Parliament, not recited but included in the Bill now applicable to joint-stock banks in England. He would ask whether hon. Members who were about to vote, could stand up and declare that they had read and understood those fifty clauses, and that they applied to Scotland? ["Divide!"] Hon. Members might call "Divide;" but he begged to inform them that the business of legislation ought not to be carried on in a manner so rapid and inconsiderate; and if it were done so in this case, he charged hon. Gentlemen, but more particularly English Members, who were not so well acquainted with the probable tendency of the Bill, with neglect of duty if they permitted themselves to be parties to it. The principle of the Bill was of a most startling and extraordinary nature, and was directed to prevent the formation in Scotland of any joint-stock bank, except under certain restrictions; and those restrictions were of such a nature, that although the Bill had been in operation in England for two years, only one joint-stock bank had been established under it. The Bill, he declared, if passed, would sanction monopoly; and though the right hon. Baronet, lately Her Majesty's principal adviser, had observed that he would retire from the administration of public affairs "hated by every monopolist," the party who then acted with him were about to inflict upon Scotland a measure the direct tendency of which was to foster and encourage that very system which their leader had so significantly denounced.

SIR GEORGE CLERK said, it was stated that the House had been taken by surprise with reference to this measure; and that it was another instance of the evil which the legal profession complained of from hasty legislation. Now, what was the history of what was called hasty legislation? A Bill was brought in in 1844, for the regulation of banks in England; and it was stated at the time that it was the intention in the then ensuing Session to introduce a measure carrying the same principles into the system of banking in other parts of the United Kingdom. Accordingly, in 1845, a Bill was introduced for improving the system of banking both in Ireland and Scotland. This identical Bill was introduced at the end of the Session, in the month of July; but on representations being made on the part of the inhabitants of Scotland that they had not sufficient time to consider it, it was postponed until the next Session. The Bill was again introduced in the beginning of the present Session, on the 21st of February. It excited great attention in Scotland, and deputations attended on the then First Lord of the Treasury, consisting not only of bankers, but of noblemen and landholders, and a large proportion of the representatives of Scotland. If the people of Scotland thought the Bill would be prejudicial to them, the Table would be covered with petitions against it; and he (Sir George Clerk) conceived it would be only a waste of time to add a single word on this clause of this Bill.

The Committee divided on the Question, that the Clause stand part of the Bill:—Ayes 53; Noes 13: Majority 40.

List of the AYES.

Baine, W.
Barkly, H.
Barnard, E. G.
Berkeley, hon. Capt.
Broadley, H.
Brotherton, J.
Browne, hon. W.
Buller, C.
Clerk, rt. hon. Sir G.
Craig, W. G.
Crawford, W. S.
Divett, E.
Dundas, Adm.
Estcourt, T. G. B.
Fleetwood, Sir P. H.
Flower, Sir J.
Gibson, T. M.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grey, rt. hon. Sir G.
Hatton, Capt. V.
Hawes, B.
Hobhouse, rt. hn. Sir J.
Howard, hon. C. W. G.
James, W.
Jervis, J.
Labouchere, rt. hn. H.
Listowel, Earl of
M'Carthy, A.
Maitland, T.
Marshall, W.
Maule, rt. hon. F.
Mitcalfe, H.
Moffatt, G.
O'Conor Don
Parker, J.
Ricardo, J. L.
Rich, H.
Rutherfurd, A.
Sheil, rt. hon. R. L.
Smith, J. A.
Somerset, Lord G.
Somerville, Sir W. M.
Stanton, W. H.
Vesey, hon. T.
Warburton, H.
Ward, H. G.
Wawn, J. T.
White, S.
Williams, W.
Wood, rt. hon. C.
Wyse, T.
Young, J.

TELLERS.

Hill, Lord M.
Tufnell, H.

List of the NOES.

Borthwick, P.
Bouverie, hon. E. P.
Duncan, G.
Ewart, W.
Ferguson, Sir R. A.
Forster, M.
Henley, J. W.
Hume, J.
Martin, J.
Morris, D.
Newdegate, C. N.
Spooner, R.
Wodehouse, E.

TELLERS.

Forbes, W.
Stuart, J.

Bill went through Committee.

House resumed. Bill to be reported.

House adjourned at a quarter past Eleven o'clock.

HOUSE OF LORDS,

Friday, July 31, 1846.

MINUTES.] PUBLIC BILLS.—1ª. Poor Removal; Newfoundland; Art Unions; Ecclesiastical Patronage.

2ª. Tithe Amendment Act.

3ª. and passed. Sugar Duties (No. 2); New Zealand Loan; Gauge of Railways.

PETITIONS PRESENTED. From Her Majesty's Justices of the Peace for the County of Middlesex, in Quarter Sessions assembled, for the Adoption of Measures for the Better Training of Deserted Children, and for the more Effectual Prevention of Juvenile Depravity and Crime.

THE ASIATIC CHOLERA.

EARL FITZHARDINGE wished to ask a question, the answer to which would, he considered, be of some importance. He had seen in *The Times* newspaper of that morning an announcement, coming from the Lord Mayor of London, that the cholera had broken out in the metropolis. His Lordship had not used the exact word, but there could be no doubt he referred to the Asiatic cholera; and he begged to know if the noble Marquess had received any official or precise intimation on the subject?

The MARQUESS of LANSDOWNE: My noble Friend has put this question to me in consequence of a statement in the newspapers of this day, and in consequence of that statement having emanated from so high an authority as that of the Lord Mayor of the city of London. At the same time my noble Friend has stated that the Lord Mayor, in making this communication, thought it necessary to make use of the expression "cholera" only, not mentioning what is called "Asiatic cholera," which is that particular species of cholera which caused such alarm throughout continental Europe some years ago, and also a considerable degree of alarm in this country. I do not think that the announcement of the Lord Mayor is calculated to create the idea that Asiatic cholera now exists; and the question having been put to me, I am glad, most glad, of the opportunity of giving an answer which cannot fail of being satisfactory to the noble Lord and to the House. A few days ago, an opinion seemed very generally to prevail in this city, that Asiatic cholera had broken out in London, and that it had appeared in a variety of cases. Immediately upon an intimation to that effect having been brought to the Council Office, some medical authorities were consulted, and, in a few hours after, a medical gentleman of great capacity and experience, conversant, too, with the practice in the different hospitals of this city, was sent into all the localities in which it had been asserted cholera had broken out. He visited all the houses in those localities, made every inquiry from which he might derive certain information, and on the following day he reported to me that he had not met with a single instance of disease which indicated the presence of Asiatic cholera. Not content with this, he visited also the hospitals in the immediate neighbourhood of those localities, and he did not find in any of those hospitals a case of the disease in question. He certainly did find instances of that disease which, as your Lordships may be aware, does exist in London, and which usually appears in large cities at this season of the year; it has some similarity to the Asiatic cholera; but it possesses none of the aggravated character of that dreadful plague. Your Lordships may rely, I think, upon this statement being correct. I have desired that the gentleman to whom I have referred, and another medical officer connected with the Council Office, should be on the look-out from day to day, in order that we might be early acquainted with the truth; and, up to this day, I am glad to say, no information that Asiatic cholera has appeared has been received. I have now further to state, I have had a consultation with a noble Friend of mine in the other House of Parliament, and that it is intended to renew his Motion, authorizing parishes to take certain precautions, such as whitewashing houses and rooms, usual when in the presence of contagious disease, should the unfortunate necessity arise, without having recourse to any specific application to Government or Parliament. I think that Parliament will see the propriety of acceding to a Motion so unexceptionable as this.

Lord BROUGHAM: I was at first rather sorry that my noble Friend (Earl Fitzhardinge) had mentioned the subject; but as it has been stated in the public papers, perhaps no evil can result from the distinct contradiction which we have heard of the rumour. It should, however, be most carefully borne in mind that to do or to say anything to spread alarm is prejudicial, and that it does more harm in extending the disease than any other circumstance. Your Lordships may be aware of a fact which illustrates this, and which presses in the same direction. In the year 1833, sixteen or eighteen months after the time when it was asserted the cholera had ceased to exist, and when I was in office, I was waited on on the 16th of August, the night before I left London, by a medical Friend, who stated to me, that the Asiatic cholera had prevailed during the last fortnight, and that there had been more cases during one of those weeks than in any similar week in the cholera year, sixteen months before. I consulted my noble Friend the then Secretary of State for the Home Department, and we earnestly urged my informant not to publish any notice of it, and soon afterwards it disappeared. The fact was, as the medical authorities assured me, that always at that season, at the beginning of August, a chill takes place, fruit begins to be consumed; and these are the circumstances which together render the English cholera so exceedingly rife. And, as in this year there has been great heat, the English cholera has assumed, as I myself know, in some parts of the town —in the neighbourhood of Bedford Square, in Whetstone Park, which is a very rural sounding name; but the rusticity goes no further; for it is there, behind Bedford Square, where the mews are—an excessively virulent and dangerous character. It is not, however, accompanied by those appearances and that spasmodic agency marking the Asiatic or true cholera. In the year I mentioned, my opinion being asked what ought to be done, and whether the information which I had received should be made public, I said, "By no manner of means; but if there be no doubt on your mind about it, take all precautions, but do nothing but be ready if it should spread." In the very next week I heard there were ten cases only, and in the week after the disease had disappeared. That Asiatic cholera had been the disease, I had, at the time, no doubt whatever; but I think there is now no ground for alarm if the people will only be prepared—if they will not expose themselves to cold or chill, and not eat raw vegetables. Another disease, however, at this season of the year, might also engage, and engage beneficially, the attention of Parliament and of the Government—I mean the "Legislative cholera;" the disease and disorder of bringing forward measures of great importance when, in fact, there is no House of Parliament in existence, and when there are none of those Members present to discuss them and debate who desire to discuss them. I confess that I am alarmed, very greatly alarmed, at this disease. Several Bills of a most important character have been put off from week to week, and are now all to be brought forward together—I believe there is a Bill the effect of which will be to create a great many new offices, twenty or thirty places of great importance. I refer to the Bill for the Recovery of Small Debts—and that I should think is a Bill which should lie over until the next Session. I have heard that all my Law Bills in the other House are to be treated in that way, and are not to be passed this year—they are put off to next year. And then there is a temporary measure continuing the present Sugar Duties brought in for a month; and we are now to have to discuss another measure regulating the duties on sugar, and one which ought to be discussed most fully. What is the consequence of that? The temporary measure is for the period from the 5th of August to the 5th of September, and then we shall have the great Sugar Bill or the great Slave Bill, as I shall call it for shortness-sake, brought up here, when no person will be present to discuss it, and when the danger will be run that before a decision is come to, the temporary measure will have expired. I think we have all very great cause to be alarmed at that.

EARL FITZHARDINGE did not regret having asked the qnestion, for he felt now convinced that the answer which had been given would satify and calm the public.

The MARQUESS of SALISBURY agreed in the observations made by the noble and learned Lord, of the impropriety and impolicy of bringing forward at this late period of the Session, any measure of importance. He hoped that the noble Marquess would consent to suspend in that House the progress of that most important measure referring to the Law of Settlement.

LORD CAMPBELL was sorry that his noble and learned Friend (Lord Brougham) had not been in the House when the Small Debts Bill had been introduced, and when it was shown that it had been under deliberation, in both Houses, for a number of years, and that it was universally approved of—even by the noble and learned Lord himself. The late President of the Council (the Duke of Buccleuch) had presented it, and had stated that it was the intention to pass it in the present Parliament; since then petitions in its favour had poured in from all parts of the country; and he (Lord Campbell) fully believed that it was a measure which the country would rejoice to see adopted.

LORD BROUGHAM said, that if the Bill were urged forward now it should be in that form in which it had been introduced. It had, he knew, undergone several alterations.

The EARL of ST. GERMANS hoped that the Bill would not be postponed.

The MARQUESS of LANSDOWNE begged to say, on the subject of this Bill, that not a day had passed since he had had the honour of being connected with the Government, in which he had not heard or read most urgent representations made to him from parishes and towns in its favour; and he believed that there was throughout the country a most earnest desire that it should pass this Session. He had also received an intimation to that effect from the noble Duke who recently occupied the office which he (the Marquess of Lansdowne) now held.

THE SUSPENDED RAILWAY BILLS.

The EARL of CLARENDON informed the House that the Special Committee, appointed the previous day, to consider the Resolution of the 7th of May, had met that morning, and had reported that they were of opinion, that if the House were disposed to exempt any Bill from the operation of the Resolution, they would recommend the following Bills :—

> "The Liverpool, Ormskirk, and Preston Railway Bill; the Glasgow and Belfast Union Railway Bill; the Grand Junction Railway (Showhill and Portobello Branch) Bill; the Taff Vale Railway Bill; the Caledonian Railway (Clydesdale Junction Railway Deviations) Bill; the Caledonian, Pollock, Govan, and Clydesdale Junction Railways Amalgamation Bill; the Manchester and Southampton Railway Bill; the East and West India Docks and Birmingham Junction Railway Bill; and the London and South Western Railway (London Bridge Extension) Bill."

He would therefore move—

> "That the said Resolution of the House of the 7th of May last be suspended, so far as regards the Bills mentioned in the said Report."

Agreed to.

CONDITION OF IRELAND.

LORD MONTEAGLE rose to bring forward the Motion of which he had given notice, respecting employment of the people of Ireland. He said, that when he had given notice of his Motion at a time when the late Government were in power, he did so without intending to imply any distrust in their good intentions towards Ireland; and if he did so without distrust towards them, he need hardly say that he brought it forward with still less distrust towards his own Friends who at the present moment formed Her Majesty's Government. But he thought that with respect to Irish matters in general, they were all too liable to be carried away with political questions, so as to lose sight of the physical condition of the people. The subject he was about to bring forward involved no political considerations, and he was entitled to ask for the attention of all their Lordships upon it: it concerned the well-being of the Irish people, without religious or political considerations. The physical well-being of that people had undoubtedly frequently occupied the attention of Parliament; but it had been rather the object of its investigation than of direct legislation: there could be no stronger proof of this than the inquiry conducted by the noble Earl (Earl Devon), the inquiries that preceeded it, and the number of blue-books that had been published on the state of Ireland: but their legislation on this subject, apart from political questions, had been very limited indeed. Now, at the present time, without wishing to speak the language of an alarmist, he must say that the condition of the Irish people was such as to call upon their Lordships and the Government to take immediate steps in providing for the exigencies that might arise. He need not refer to the distress of the country during the present Session, which had unfortunately become mixed up with the Corn Bill; but he must state that the pressure of that distress had been altogether without example; and that if it had not been for the prompt and energetic measures taken by the Government and the Legislature to provide the people with a supply of food—he referred particularly to the district in which he resided—would have been pregnant with social evils. This he took for granted: the universality of that distress might be denied; but the severity of its pressure in particular districts must be admitted by all. The state in which the late Government found Ireland with respect to its supply of food was most alarming; where the majority of a people existed on the lowest kind of food, if that failed they must be left destitute of any; in November last that calamity occurred, and the deficiency had to be supplied by the Government, which was called on to administer the most difficult functions that could be cast upon any men in the world. But the efforts it had made to introduce Indian wheat as a cheap article of food had been successful; they had proved the protection of that country; it was admitted by all classes that but for the efforts of the Government, property would not have been safe, and society could not have been kept together. But for a Government to interfere with the supply of food was an undertaking of the most awful responsibility, unless it was done with discretion; if they disturbed the ordinary markets so as to exclude more grain than their own measure brought into it, the effect was not to improve the condition of the country, but to make it worse. By the ability of the gentlemen employed in the Commissariat, that difficult problem had been solved; the interposition of the Government had been effectual with the least possible disturbance of the actual state of the markets. Steps had also been taken to give increased employment to the poor; the first four Acts passed this Session by the Imperial Legislature were Acts for promoting public works, presentments of grand juries, and the construction of piers and harbours; but these measures had not been so successful as the Government wished, and as Parliament and the people of Ireland had a right to expect. He mentioned this for the purpose of asking their Lordships to lend their aid in amending the system and in improving the law, unless they wished to encounter similar failures in future years. Without wishing to use the language of alarm, he told his noble Friends opposite—and he made the statement publicly in order that it might be contradicted if it were an exaggeration—that the prospects of the present year were infinitely more alarming than were those of the year past, and that precautionary measures were much more necessary now than they were then. The extent of land under cultivation this year, he believed to be less than that of last year; and even if the crops came to full maturity, they were not likely to be so heavy as the crops of 1845. The disease in the potato, whether arising from atmospheric causes, or existing in the root itself, had exhibited itself much earlier than it did last year; it was also more widely diffused, having made its appearance in parts of the country that last year were free from its effects. Even the hopes entertained that potatoes raised from seed might be free from a disease supposed to be caused by an infection connected with the decay of the tubers, had failed; and there was now reason to apprehend a failure of the plant itself as an article of food. Such a failure would be the worst event of the kind that had ever happened in Ireland—no antecedent calamity of a similar nature could be compared to it. He was well acquainted with that of 1822, during which the late Archbishop of Tuam so nobly distinguished himself; and he was a party in the distribution of the generous bounty of England, by which upwards of 300,000*l.* was placed in the hands of the committee for the relief of the people; but, pressing as the necessity then was—which was proved by the sympathy it elicited—the calamity was as nothing compared with that from which the people had just escaped. He did not believe their Lordships or the public generally were aware of the extent of the efforts, local or general, made for the relief of the people during the present year. It would be found that independently of private efforts, the amount of which did not appear by the returns before the House, a sum of 800,000*l.* had been expended in alleviation of the distress. Not that that sum was lost to the public, if loss it could be termed, when it had been the means of preserving the lives of Her Majesty's subjects; but that amount had been advanced mainly upon the security of the land of Ireland; and could there be a greater proof of the intensity of distress than when the landowners came forward and charged the land of Ireland with a debt of at least 300,000*l.*? Private exertions had also been very great; in the county of Clare, one of the great proprietors—one of that class so often attacked, an absentee—gave 6,000*l.* in one subscription. He alluded to Colonel Wyndham. In the county of Kilkenny Lord Kenmare gave 3,000*l.*, which was followed by 2,000*l.* from a private country gentleman. He believed the private contributions to the district committees from individuals amounted to upwards of 100,000*l.*, without what was expended in employment of labour that would never appear in any returns. But beyond this, there was the employment which each individual landowner had afforded upon his own estate, the value of which did not appear, and never would appear. The distribution of the funds so obtained had been most judicious; they had been administered with the utmost wisdom. Men of greater zeal and higher capacity he had never met than the gentlemen who had been employed upon this duty; and it was curious to observe how the experience of men of sense and integrity enabled them, in a new position, to realize all the benefits of their former experience. But although these funds had been administered as wisely as the law machinery at the disposal of the Government allowed, he entirely denied they had been economically or quickly administered for the relief of distress. First, as to delay. The root and centre of the system for the employment of labour in Ireland was the Board of Public Works, the origin and powers of which he would briefly state, as he had the honour of being charged with the Bill for its establishment during the Government of the late Lord Grey. Previously to that Bill there were eleven existing Boards for the purpose of promoting public works in various modes, all of which it was deemed expedient to abolish, and appoint a general one, which should discharge all the functions of the others. The original proposition was to appoint five Commissioners, and there was thereby effected a saving of money to the extent of one-half on expenses; yet economy was but of little consequence as compared with efficiency. The Bill passed, but during its progress some apprehensions on the part of Government with respect to patronage led to a voluntary reduction in the number of Commissioners from five to three. It was, however, understood that the reduction was an experiment to see if three Commissioners would prove sufficient. That Bill had been in operation now for a number of years, and he should be able to show it had given satisfaction, although not in the proportion that the Legislature had a right to expect. It had not been satisfactory, because year after year Parliament had imposed upon the Board the prosecution of every remedial measure which the exigencies of Ireland rendered necessary. In fact, the reputation of the Commissioners, and the confidence reposed in them by the public, had induced the Legislature and the Government to cast upon the Board greater burdens in the way of duty than it was possible for them to bear; and these burdens had led to the evils of which he complained. The Commissioners had to attend to all public works—roads, harbours, buildings, the new colleges, drainage, lunatic asylums, the collection of bad debts, wide streets, and many other matters of equal importance; and he asked the House whether it was physically possible that all these duties could be adequately performed by three individuals, however capable and industrious they might be? To a certain extent, therefore, the Board must be pronounced a failure. And how had it acted upon the late occasion when the duty was confided to it of finding employment? In the county of Clare an application was made by Lord Kenmare and himself to put them in the way of giving productive employment to the people about them; and their Lordships would scarcely credit him when he stated that up to the present time they had not been able to obtain the preliminary survey so as to enable them to take a single step. He did not mention this fact as a reproach to the Board, but as one of the strongest proofs he could give of its inadequacy to effect the work with which it was entrusted. It was not necessary for him to enlarge upon the necessity of promoting public works in Ireland; in every Parliamentary inquiry as to the state of Ireland, the question as to the employment of the people had come prominently forward; and he could refer to the Reports of successive Committees and Commissions in support of his views. That of 1819 was into the disease and fever which prevailed at that period in Ireland; the remedy suggested was employment, which it was recommended should be given on public works. In 1822 there was a Committee upon Mr. Telford's great work, the establishment of the Holyhead line of road. This Committee only touched upon the subject collaterally; but they pointed out incidentally the waste of the then system of carrying on public works in Ireland, and recommended a better plan. In 1823 there was a Committee upon the employment of the poor, which recommended public works. In 1829 another Committee was appointed, not in relation to public works, but an Economical Committee, consisting mainly of English Members. They considered the expediency and the possibility of reducing the expenditure in Ireland; but so far from deciding the question in the way of reducing expenditure, they said they thought public works demanded Parliamentary aid and countenance, as calculated to give additional stimulus to industry, to increase the demand for labour, and to give greater facilities for improvements. This Committee recapitulated the whole of the recommendations of all the former Committees; and said that whilst union was maintained between the two countries, the Treasury ought to be as available for Irish as for Scotch purposes. The system which he now recommended for Ireland had been adopted in Scotland, and the result had been the advancement of that country by more than 100 years. What he asked was, that wisdom and good sense should be directed to the administration of the system, so that the country should be protected from waste, that the means of applying their own great resources should be given to the people of Ireland. As to the mode of carrying out public works, there could not be a greater contrast than between the grand jury system and that of the Board of Public Works. Take an example. The money which had been expended in his own locality upon roads and other works under the grand jury system, amounted to 1,200,000*l.*; it was expended under contracts with the farmers of the district; the farmers who took a contract employed their own labourers and horses, so that not one farthing went into the general labour market of the county; the expenditure became a matter of account between them, and it was not an object to improve the condition of the people. On the other hand, by the system of the Board of Public Works, all their men were regularly paid on the Saturday night the amount they had earned in the week: the actual labourer received the wages. The effect upon the condition of the people was most extraordinary: in the one case the condition of the labourer was improved by the real reward which he received fur his industry; in the other it told in exaggeration of the rent which the farmer received, rather than in general improvement. The latest authoritative expression of opinion upon this subject was the Report of the Commissioners presided over by his noble Friend (the Earl of Devon), in which employment by means of public works was strongly recommended. That Commission also reported their opinion, that the operation of the system by which public works were promoted, gave encouragement to the outlay of private capital, stimulated industry, and promoted the prosperity of the whole surrounding districts, wherever lines of communication or other improvements were carried out. It was a most fanciful mistake that the advance of British capital to Irish labour was a loss. Looking at the whole expenditure under the Board of Public Works, there was an actual gain derived from the prosecution of the works. It had been stated in evidence that some parts of Galway had greatly profited from the opening of new communications. In one district, where no revenue was obtained prior to 1822, the revenue from 1822 to 1828 rose to 6,000*l*. It was stated on the authority of Mr. Williams that in seven years 160,000*l*. had been expended in Connaught, and that the increase of the annual revenue derived from the custom and excise had been equal to the whole of that expense. Mr. Griffiths had expended in the county of Cork 60,000*l*. in seven years on improvements; a revenue of 50,000*l*. a year was thence derived in customs and other departments. A Bill now before Parliament contemplated an advance of a million sterling for the improvement of Ireland. But, even more than money, what they wanted was assistance and superintendence; it was that which a Board of Public Works ought to give, but which unfortunately at this moment they were not able to give. His remarks had been confined to the inefficiency of the Board of Public Works; but they were not meant to imply any reflection on the parties at the head of it. But that was not all. Ireland had the finest soil in the world, a good climate, a people who, under favourable circumstances, were an industrious people. What they required was assistance to improve themselves, assistance to improve their agricultual education; and he said to that House, "Help us to improve ourselves, not only as you are doing by establishing schools, by improving our agriculture, and draining our soil, but make the normal schools which you propose to establish schools of industry as well as of morals and letters—schools for agricultural instruction, to teach the people the way they ought to till the land." The Leasing Bill, now before Parliament, contained a compulsory power for the rotation of crops; no one was to take advantage of that measure unless he had a rotation of crops. What the proprietors in Ireland wanted now was therefore this, the means of profiting by such encouragements to improvement. In conclusion, he begged to repeat that he imputed no blame to the Board of Public Works in Ireland, but he did impute blame to the Legislature for imposing upon that body labours which the Commissioners had not the means of performing. The expenditure of public money, instead of being a benefit, might become productive of evil, if proper means were not taken to control its application, and to make its expenditure effective for the purpose. The noble Lord concluded by moving the following Address:—

"That an humble Address be presented to Her Majesty, expressing the Readiness with which, during the present as well as in preceding Sessions, this House has concurred in the Enactment of various Measures intended and calculated to improve the Condition of Her Majesty's Subjects in Ireland, to reduce the Pressure of Distress, and to develop the great natural Resources of that important Part of Her Majesty's Dominions:

"That the Promotion and Extension of Public Works have been the Subject of repeated Recommendation, both of Parliamentary Committees and Royal Commissions:

"That an Act was passed in the year 1831, for the declared Purpose of promoting Works of public Utility, on a permanent System, under the control of Commissioners appointed by the Crown:

"That since the passing of that Act various public Duties, of the most important and responsible Nature, have been cast upon the Commissioners so appointed, and that at the present Moment they are charged with Functions infinitely more extended than were contemplated at the Period of their Appointment, and greater than it is possible for them satisfactorily to discharge:

"That their Functions have been increased by Measures which have passed during the present Session, and seem likely to be still further augmented by Measures now in progress:

"That the benevolent Intentions of Her Majesty, and the just Expectation of the Legislature, will be defeated, unless there be provided in Ireland a competent Authority to give Effect to the Laws which have passed, and which may hereafter pass on this subject:

> "That Her Majesty may therefore be graciously pleased to direct such Steps to be taken, or Measures to be laid before Parliament, as shall provide for the more efficient Performance of these important Duties, as well as in all other Ways to direct and stimulate the Industry, and to promote the Improvement of the Labouring Classes in Ireland."

The MARQUESS of LANSDOWNE had listened with the greatest pleasure and satisfaction to the speech of the noble Lord (Lord Monteagle). Though Her Majesty's Government would not, he trusted, be thought indifferent to the topics which had been touched upon, should he not enter on their consideration, he could, on the other hand, anticipate nothing hurtful from the statement which the noble Lord had made. If he (the Marquess of Lansdowne) did not state with particularity the intentions of Her Majesty's Government for the future, he hoped neither his noble Friend nor the House would suppose that they were not aware of the importance of making up their minds on the subject. He could assure his noble Friend, that feeling as he did the utmost confidence in the accuracy of the facts which he had stated, and which he had the means of informing himself of better than he (the Marquess of Lansdowne) had: and agreeing in the sentiments he had expressed, he thought he should yet consult his duty and the interests of the country better if he abstained from stating at that moment—even if they were perfectly ripe and mature, which he did not pretend they were—the designs of Government for carrying into effect many of the suggestions which the noble Lord had made, and which (or at least measures relative to the same subjects) had for some time been under the consideration of Her Majesty's Government. At the same time, he was prepared to state that he fully acquiesced with his noble Friend in reference to the source of the imperfections to which he had referred in administering relief to the people of Ireland during the late famine. He considered that the machinery of the Board of Works was quite inadequate to the duties with which they were entrusted; and he thought it no reproach to the late Government, that, having to meet an emergency of an extraordinary character, they could not at once supply the additional machinery which was necessary to meet the increased demands, and which it ought to be remembered were growing from day to day in magnitude and importance. He assured his noble Friend, however, that Her Majesty's Government had for the last week, and would, for some time to come, have under their daily consideration the means of giving a greater efficiency to that Board, and multiplying the means which could be brought to operate upon the welfare of Ireland, and adding, if possible, to the security that the sums advanced should be applied to the objects intended to be promoted. He would to God he could differ with the noble Lord as to the probability of a recurrence of that great and alarming evil which it had pleased Providence to inflict upon many of the countries of Europe, and which, from peculiar circumstances well known to their Lordships had fallen with peculiar and aggravated weight upon Ireland. Such a prospect before them, added, no doubt, to the duty which was at all times incumbent on the Government of this country to promote the general condition and improvement of the people. The Government would endeavour to discharge their duty in this respect with efficiency, both with regard to the matters to which his noble Friend had adverted, and also the other duties which arose from the general necessities felt in administering to the wants of a poor country. The noble Lord had truly stated, that large sums had from time to time been advanced for the improvement of Ireland; and he (the Marquess of Lansdowne) could corroborate his statement that, although some of the sums had been made in the form of donations and grants, yet, with respect to the larger sums which had from time to time been expended for the improvement of Ireland, they had been no loss to the Government, but had yielded a good return. He trusted that the present Government would be able to provide additional means of employment to the people in the same way, taking care, of course, at the same time, to secure the finances of this country from the danger of ultimate loss. He repeated that he thought the machinery existing in Ireland for the administration of relief during the recent distress had been found inadequate; but in saying this, he meant to attach no blame either to Her Majesty's Government or the officers in their employment. He believed that the greatest zeal had been shown by both; and that, in an especial manner, important services had been rendered by Sir John Burgoyne and Serjeant Howley; he thought it, indeed, exceedingly fortunate that the Board of Works had been under the direction for the last ten years of the former gentleman, for whose services the country could not be too grateful. He begged to add also, that the proceedings of that Board had been attended with this striking and peculiar advantage—that they had been administered without the slightest taint of personal or party interest; and he (the Marquess of Lansdowne) amid all the discontent which might arise in particular quarters from not seeing their plans carried into effect, had never heard any imputation of the slightest partiality, or improper motives, urged against them by any party. This afforded a pleasing security that, if Government did their duty, as he hoped they would, in the selection of proper persons to administer their measures, even in Ireland, which, heretofore, had rather a bad reputation in those matters, it could be done without danger of charges of jobbing or of acting from interested motives being brought against public functionaries. He hoped his noble Friend would not expect him to say more on the present occasion. He thought that the House, and the public, and the Government were obliged to him for the statement he had made; he invited his future attention to the subject ; he knew that no Government was the worse for being watched in their operations; and he only claimed from him what he was sure he would give, namely, a candid consideration of the measures which the Government would submit to Parliament; but he hoped that under all the circumstances, at that late period of the Session, and considering the very recent formation of the Government, he would not persevere in putting the question to the vote, which might have the appearance of implying a doubt as to the sufficiency of the measures which the Government would submit hereafter to the consideration of Parliament. In the course of a few days a full and authentic statement would be submitted to the other House of Parliament, not only of the money which had been expended, but of the mode in which it had been expended, which would furnish a complete and satisfactory means of judging of the past proceedings, as well as afford some indication of the measures to be adopted in future.

The Earl of DEVON, who was very imperfectly heard, wished to say a few words on a subject with which it had fallen to his lot, within the last twelve months, to have a great deal to do. He was sure there could be no difference of opinion upon the general principles which the noble Lord had laid down. There could be but one opinion as to the importance of advancing and executing the public works, with a view of giving employment to the people of Ireland; and the noble Lord had referred to documents which showed beyond a doubt that the expenditure of money for that purpose by the Imperial Parliament had not been thrown away, but had, on the contrary, produced a great and valuable return. Assuming, then, that on this part of the subject there could be no difference of opinion—assuming that the present Government would apply themselves diligently and effectively to carry out this great object into successful operation, he would take the liberty of pointing out some difficulties—he might call them obstructions—which appeared to impede the beneficial operation of the measures which had hitherto been adopted by the Legislature on this subject. A matter which he regarded as of still greater importance than public works was the employment of the people in the improvement of the soil, and in increasing the protective powers of the country. The Government, following out the recommendations of successive Committees and Commissions, had introduced a variety of measures to facilitate the improvement of the country. One of these was the Act of Parliament to which his noble Friend had first adverted, namely, the Public Works Act. The Government and Legislature of that day had been so fully aware of the importance of employing the people in the class of works to which he alluded, that they introduced a special clause into the Act for that very purpose. The advantages to proprietors of drainage and other improvements of that kind were strongly dwelt upon; but the terms imposed were found to be too rigid. It was required that the repayment of the loans should be limited to three years, and that the interest should not be less than 5 per cent. As might be supposed, the clause containing such provisions remained a dead letter ; and he believed that the only landed proprietor in Ireland who took advantage of it was his noble Friend the present Lord Lieutenant of that country, who commenced a work of considerable importance, not merely to himself, but to the country. Various other Acts had been passed since then, all containing different provisions; some providing for the repayment of the interest in one way, and others in a different manner. The amended Drainage Act of the present Session was one of the best of these; but he should complain of the manner in which the discretion allowed under the Act had been exercised by the late Government. There was a discretion as to the rate of interest and the period of time to be allowed for repayment of the loans to be advanced under the Act; but, notwithstanding the anxiety to afford employment to the people during the present period of scarcity, proprietors were not able to comply with the terms required of them, except in one or two cases. During the month of March last, immediately after the passing of this Act, he had himself a good deal of communication with the people; and he knew, of his own knowledge, that applications to the Government for loans at 3½ per cent were refused; the answer returned, being, that the money could not be given to them or to any one else at less than 5 per cent. That, certainly, had the effect of producing an impression that the Government were not disposed to promote the working of the Act. It was a great mistake to suppose that operations of improvement of waste lands were operations for the benefit of individuals only: in fact, there could not be a greater mistake. The effect was to bring into cultivation, and render available for the food of man, hundreds of acres not now available for any useful purpose; and numbers of persons, who must otherwise be mendicants, were thereby enabled to procure an honest livelihood by cultivating such reclaimed lands. To say, therefore, that no good was derived to the public from the cultivation of waste lands seemed to him a perfect absurdity. He hoped the Government would turn their attention practically to the point of establishing some system by which individuals might see in what manner they were to avail themselves of the existing Acts of Parliament with respect to this subject. Not wishing to go into details, as he had the power of doing, to show the good effects of cultivating waste lands, he might say that a certain society in Ireland had gone on for years reclaiming waste lands without deriving any benefit to their own funds; but they had now 2,000 persons earning their subsistence from those lands; and all this had been effected within nine years, and not one of those persons had ever had relief under the Poor Law. This showed that though such improvements might be no benefit to the owners of the land, they were still most beneficial to the public. The first step in this direction which he would venture to counsel the Government to take, would be to have all these Acts looked into together, with a view to see how they bore upon one another. There were many clashing and contradictory enactments in them; and it would be most desirable to have some means found to simplify the law as it stood under those various enactments. He was happy to state that the appointments which had been lately made to office in Ireland had acquired the confidence of the people of Ireland; and he had a conviction that the right hon. Gentleman the present Secretary for Ireland, would address himself to the task of improving this part of the law manfully, and would apply himself to understand the subject, and give Ireland the benefit of his talents, which they all knew were unquestionably sufficient to do that subject justice. He might mention one instance to show the nature of the legislation which had been adopted with reference to the improvement of land. There was an Act passed some time ago for enabling parties to charge entailed estates for the purpose of draining; but the Act of last year rendered necessary the consent of all the occupying tenants, before the land could be drained. He knew a case showing the effect of this. It was an estate on which there were 300 or 400 tenants, one-half of whom could not write their names, and yet they were all to be visited and have explained to them, that they must sign papers for the purpose of having the drainage. This was a serious obstacle to the working of the measure, and the clause had scared away many persons who were desirous of taking advantage of the statute. The great object of every one, at the present moment, must be to employ as many persons as possible in Ireland as cultivators of the soil, from which, ultimately, their subsistence must be drawn. The delay arising from the operation of the existing Improvement Acts was a public evil, which he was sure the Government would not fail to deal with. He had that confidence in the noble Marquess opposite, that he was sure the Government would apply themselves to remedy the evil without delay.

The Earl of CLANCARTY expressed his satisfaction in what had fallen from the noble Earl near him (the Earl of Devon). All that the noble Earl had said showed the importance of giving employment, not in connexion with the Poor Law, but so as to enable the poor to support themselves. He could bear his testimony to the great efficiency of the officers who conducted the Board of Works. From his experience, which had been extensive, he could say they had given great satisfaction to all parties. He looked forward to an improved state of agriculture as the means of giving employment to the labouring class in Ireland all through the year.

Lord MONTEAGLE begged to press upon the Government the necessity of caution in dealing with Ireland in its present state, which he believed was unexampled in the history of the world. It was in the transition state of leaving a lower description of food, and taking to a higher description. That was a most arduous state of things. After what had been said, he should not insist upon the Motion.

Motion, by leave, withdrawn.

House adjourned.

HOUSE OF COMMONS,

Friday, July 31, 1846.

Minutes.] Public Bills.—1°. Copyhold Commission; Turnpike Acts Continuance; Stock in Trade; Highway Rates; Loan Societies.

2°. Court of Common Pleas.

Reported. Consolidated Fund (£4,000,000); Joint Stock Banks (Scotland and Ireland).

3°. and passed. Burial Service (No. 2).

Petitions Presented. By Mr. O'Connell, from Teetotallers of the City of Dublin and its Vicinity, for the Adoption of Measures for promoting the Due Observance of the Lord's Day.—By Mr. Bagot, from Parishioners of Llanfairtalhaiarn, from Vicar and Inhabitants of the Parish of Llanarmon-yn-Yale, from the Clergy and Parishioners of the Parish of Llanfair Dyffryn Clwyd, and from the Inhabitants of the Borough of Sunderland, against the Union of the Sees of St. Asaph and Bangor, but at the same time providing for the Immediate Appointment of a Bishop to the newly erected See of Manchester.—By Mr. Christie, from Ratepayers and Freeholders of Saint Weonards, for Repeal or Alteration of the Lunatics Act and Lunatic Asylums and Pauper Lunatics Act.—By Mr. Rumbold, from Inhabitants of Great Yarmouth, for the Abolition of the Punishment of Death.—By Sir De Lacy Evans, from Inhabitants of the Parish of Saint Clement Danes, in the Liberty of Westminster, in Vestry assembled, for Alteration of Law respecting Metropolitan Sewers.—By Mr. Sharman Crawford, from Landowners of the Baronies of Upper and Lower Castlereagh, against the Tenants Compensation (Ireland) Bill.

CORPORAL PUNISHMENT.

Lord J. RUSSELL: The hon. Member for Bolton and other hon. Gentlemen have Motions on the Paper respecting corporal punishment in the army. I have lately had an opportunity of seeing the Commander-in-Chief, the Duke of Wellington, and my right hon. Friend the Secretary at War has also had an interview with his Grace. We find that the Commander-in-Chief has measures in contemplation not for the abolition of the power of inflicting corporal punishment in the army, but for the regulation of its exercise. I think, therefore, that it would be inconvenient to have a discussion upon the subject before the Commander-in-Chief has matured his measures. I hope, therefore, that my hon. Friend the Member for Bolton will consent to postpone his Motion, and that I shall ere long be in a condition to inform the House what measures are contemplated.

Dr. BOWRING: I collect from the noble Lord that the whole subject is under the consideration of Government, and I should be sorry that any Motion of mine should interfere with their decision; but I consider myself so pledged to the public, to the popular feeling, and to what may be called the general mind, that I musk ask the noble Lord, if the measures to be proposed by the head of the army do not appear satisfactory, to allow me to bring the question under the notice of the House before the end of the Session. I feel myself bound to press on the attention of the House this interesting and painful subject.

Mr. OSBORNE: Having given notice of an Amendment, I may be allowed to say, that the declaration of the noble Lord has given me so much satisfaction that I shall not, under present circumstances, think it necessary to press my Amendment.

Mr. W. WILLIAMS: I wish to ask the noble Lord whether it is intended to take into consideration the same question as regards punishments in the navy? When the Estimates are before the House, on the question that the Speaker leave the chair, I shall also think it right to bring before the House the subject of courts martial.

Lord J. RUSSELL: What I said was, that the Commander-in-Chief of the army has the subject under consideration, with a view not to the abolition but to the regulation of the exercise of corporal punishment. I have not had any communication with the naval authorities, and I am, therefore, not at present able to give any answer to the question of the hon. Member for Coventry. As to what my hon. Friend the Member for Bolton has said, if he be not satisfied with the contemplated measure of the Commander-in-Chief, I will take care that he shall have an opportunity of expressing his dissatisfaction.

Mr. HUME: The noble Lord was not present the other night during the discussion on the articles of war, as applied to the navy: had he been present, he would have seen that the punishments were, upon nearly all occasions, death—death—death—and that it is absolutely necessary to make some change. A hope was then expressed that this matter would be made a subject of revision.

RAILWAY LEGISLATION.

MR. HORSMAN asked whether it was the intention of Government to propose any measures to facilitate railway business in the House? He was aware that a Committee was sitting, which had not made its report; but the nature of its Resolutions was pretty generally known. A Committee of the House of Lords had also made an excellent report, which was upon the Table. At the beginning of the Session there had been so many complaints, that the Prime Minister had felt called upon to come down and ask the opinion of the House as to the course to be pursued: the Session ought not to close without something being done prospectively to lessen the evils of the present system. He wished to ascertain, therefore, whether any and what measures were in contemplation to remedy what had been a perfect infliction on the House, and most unsatisfactory to the public.

SIR G. GREY replied, that it was quite true that the Committee had not yet made its report, and until it was before the House he could not pledge Government to carry any of its recommendations into effect. He did not know what those recommendations might ultimately be. It was equally true, that a Committee of the other House had made a report; but he was not prepared to say whether any measures would be founded upon its important recommendations. One of them was, that some means should be adopted as to the proof of compliance with the Standing Orders, with a view to avoid the great inconvenience and pressure so fully adverted to in the document. It seemed desirable that a plan should be adopted this Session in order that it might come into operation in the next.

WAYS AND MEANS—SUGAR DUTIES.

On the Question, that the Speaker do leave the chair to go into Committee of Ways and Means,

MR. SPOONER said, he did not rise to oppose the Motion that the House do now resolve itself into Committee, nor would he delay the doing so for more than a very few minutes. His object in rising was to ask the indulgence of the House while he very briefly stated the grounds on which he gave his support to the proposition of Her Majesty's Government. He had attempted to do so on a former occasion; but from the number of hon. Members who were more immediately connected with the West India interest, and therefore had a stronger claim to the attention of the House than he had, an opportunity of so doing was not afforded to him. The proposition of Her Majesty's Ministers brought under the consideration of the House two very important points—one, the great question of protection; the other, the effect which the measure proposed, if carried out, would have upon the Slave Trade and slavery. He had, however, determined, before he gave his vote, to lay aside every preconceived opinion, and give to the subject full and unprejudiced investigation. The result of this investigation was thoroughly to convince him that the present system was ineffectual for the purpose for which it had been adopted; and that the proposed measures would not give a stimulus to the Slave Trade, nor tend to the continuance of slavery. Had he continued to doubt upon the subject, nothing should have induced him to give his support to those measures. His noble Friend the Member for Liverpool had, in his judgment, clearly proved that the view he (Mr. Spooner) had stated was the true one. That speech was remarked upon by the noble Lord the Member for Stamford, in the last debate on this subject; and that noble Lord stated that it was unintelligible, and endeavoured to controvert it. Now, he (Mr. Spooner) thought it perfectly intelligible, and that it brought the question before the House in a clear and correct manner, and was unanswered and unanswerable. The noble Lord the Member for Liverpool stated, that all the sugar that was grown was consumed—that the supply was far from being equal to the demand—that the increase of the supply was not commensurate with the continual increase of demand—and, that so long as that continued, the exclusion of slave-labour sugar from this country caused a larger consumption amongst ourselves of free-labour sugar, drew so much more of that sugar from the continental market, and made a vacuum in that market, which slave-grown sugar supplied. Now, if the attempt thus made to exclude from our markets slave-grown sugar had proved ineffectual, how could we justify longer continuing to resist its admission, when by so doing we laid a great burden on the working classes, to whose comfort a low price of sugar contributed?—how, in justice to the manufacturing interest, could we continue a system which could be proved beyond doubt to be most detrimental to that interest? A considerable trade might be carried on between this country and Brazil; but at present the duties levied in Brazil upon the iron and other manufactures of Birmingham were so high as greatly to limit, if not altogether prevent, the exportation of such goods. We were assured by the Brazilian Government, that if their sugars were admitted on the same terms as other foreign sugars, they would admit our manufactures upon the same terms as those of other nations. These restrictions on our trade did not, however, really check the exportation of Brazilian sugar. A mercantile firm in Birmingham had recently sent a person to Germany to buy German goods with British capital, which were sent to Brazil, the means of payment for which must ultimately be provided by the exportation of sugar. The merchants found that the only way of keeping up their connexion was to buy German goods, very much to the injury of the trade of this country, which could only be paid for with slave-grown sugar. This country was much more likely to effect the suppression of the Slave Trade, if they kept up a friendly intercourse with Brazil, instead of attempting to interfere with the internal arrangements of that country. He was, upon principle, a thorough protectionist, and thought that protection to native industry was the surest foundation on which the prosperity of this country rested. As long as protection could be maintained, he had endeavoured to support it; but Parliament had now decided by a great majority that the principle of protection must be abandoned. As long as protection was maintained, it must be in its integrity as a great whole; it could not be preserved for the colonial interest, when taken away from the landed interest. He should vote in favour of the new duties, under a full conviction that by so doing he should not cause any stimulus to be given to slavery or the Slave Trade. Believing also, as he did, that the principle of protection would be found the surest way in which the taxation of the country could be supported with the least pressure upon the working classes, he was, in principle, as decided a protectionist as ever. The British labourer, of every description, was really the person most interested in the maintenance of protection; for the principle of protection was simply this, that the produce of no man's labour should meet the produce of British labour in the British market without contributing an equal share to the taxation of the country. Parliament had decided that that principle should no longer be adhered to—was it then just to say to the British labourer, "You shall have to contend with foreign competition in the articles you produce, but you shall not have the benefit of competition in the articles you consume?" To those who agreed with him, that protection was the principle upon which the commerce of this country ought to be conducted, he would say, that they would be far more likely to bring about its re-adoption by carrying out the contrary principle to its full extent. Protection never could again be adopted except by the united voice of the whole nation. A divided Parliament—a divided nation could never restore it; nothing but one universal demand for it, occasioned by the evil consequences which he feared would be found to result from what was called free trade, would effect that object. This universal agreement never would be obtained until all interests were brought to feel the evil consequences of the abandonment of protection. It had been urged that the West Indies had a particular claim to exemption, arising from our legislation with respect to the emancipation of their slaves; for this we had already paid twenty millions, and he (Mr. Spooner) conceived that that fully balanced that account—not that he grudged that twenty millions; for he thought it worthy of a great Christian nation thus to endeavour to get rid of a system the continuance of which would have inflicted an indelible disgrace upon a Christian people.

Sir R. H. INGLIS said, that amongst the many defeats he had sustained in that House, there was none that he felt more keenly than that which was conveyed in the decision of the House on Tuesday last. If by any opposition on his part he could hope to reverse that decision, his efforts would not be wanting; but when the majority was so large, he could not but be conscious that opposition was hopeless, and could only lead to irritation and a useless interference with the discharge of public business. He did not rise then for the purpose of renewing the debate of Tuesday last, nor for the purpose of answering—as it might easily be answered—the speech of the hon. Member for Birmingham (Mr. Spooner), the last convert to free trade, and the latest abandoner of the principle of protection. He would only state, that deeply as he regretted the injury which would be sustained by our countrymen in consequence of the change that had been decided on in the course of the last few days; deeply as he regretted the majority by which that change was produced, being a combination of individuals and parties such as perhaps the wildest imagination of any man in the House could never have expected upon such a subject; and still more deeply as he regretted the decision as it affected the almost incalculable increase of the greatest curse of humanity that the last three centuries had seen—he referred to the Slave Trade more particularly—yet in a hopeless contest like that which he believed this to be, he would not weary the House by repeating the arguments that had proved so ineffectual in the mouths of better and abler men than himself during the late discussions; and therefore he would take the present opportunity of throwing the whole responsibility, both as it respected the great colonial interests of England, and as it respected the far higher interests of general humanity, upon those who, in defiance alike of one and the other, had proposed and carried the present measure.

House in Committee.

The following Resolutions were moved by the Chancellor of the Exchequer:—

1. *Resolved*—That, towards raising the Supply granted to Her Majesty in lieu of the Duties of Customs now payable on Sugar or Molasses, the following Duties shall, from and to the respective days herein mentioned, be charged on Sugar and Molasses imported into the United Kingdom, (that is to say),

1. On Sugar, or Molasses, the growth and produce of any British Possession in America, or of any British Possession within the limits of the East India Company's Charter, into which the importation of Foreign Sugar is prohibited, and imported from thence, from and after the passing of this Act:—	£ s. d.
Candy, Brown or White, Double Refined Sugar, or Sugar equal in quality to Double Refined, for every cwt. . .	1 1 0
Other Refined Sugar, or Sugar rendered by any process equal in quality thereto, for every cwt.	0 18 8
White Clayed Sugar, or Sugar rendered by any process equal in quality to White Clayed, not being Refined, for every cwt.	0 16 4
Brown Sugar, being Muscovado or Clayed, or any other Sugar not being equal in quality to White Clayed, for every cwt. . . . , .	0 14 0
Molasses, for every cwt. . . .	0 5 3

2. On Sugar or Molasses the growth and produce of any other British Possession within the limits of the East India Company's Charter:—

CLASSES.	From and after the passing of this Act to 5 July, 1847, inclusive.	From and after 5 July, 1847, to 5 July, 1848, inclusive.	From and after 5 July, 1848, to 5 July, 1849, inclusive.	From and after 5 July, 1849, to 5 July, 1850, inclusive.	From and after 5 July, 1850, to 5 July, 1851, inclusive.	From and after 5 July, 1851.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£. s. d.	
Candy, Brown or White, Double Refined Sugar, or Sugar equal in quality to Double Refined, for every cwt. . .	1 6 3	1 5 6	1 4 4	1 3 3	1 2 0	The same duties as on Candy, Sugar, and Molasses, the produce of other British Colonies.
Other Refined Sugar, or Sugar rendered by any process equal in quality thereto, for every cwt. .	1 3 4	1 2 8	1 1 8	1 0 8	0 19 8	
White Clayed Sugar, or Sugar rendered by any process equal in quality to White Clayed, not being Refined, for every cwt. . . .	1 0 5	0 19 10	0 18 11	0 18 1	0 17 2	
Brown Sugar, being Muscovado, or Clayed, or any other Sugar, not being equal in quality to White Clayed, for every cwt. . .	0 17 6	0 17 0	0 16 3	0 15 6	0 14 9	
Molasses, for every cwt. .	0 6 6	0 6 4	0 6 1	0 5 9	0 5 6	

3. On Sugar or Molasses, the growth and produce of any foreign country:—

Classes.	From and after the passing of this Act to 5 July, 1847, inclusive.	From and after 5 July, 1847, to 5 July, 1848, inclusive.	From and after 5 July, 1848, to 5 July, 1849, inclusive.	From and after 5 July, 1849, to 5 July, 1850, inclusive.	From and after 5 July, 1850, to 5 July, 1851, inclusive.	From and after 5 July, 1851.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Candy, Brown or White, Double Refined Sugar, or Sugar equal in quality to Double Refined, for every cwt. . .	1 11 6	1 10 0	1 7 9	1 5 6	1 3 3	The same duties as on Candy, Sugar, and Molasses, the produce of British Colonies.
Other Refined Sugar, or Sugar rendered by any process equal in quality thereto, for every cwt. .	1 8 0	1 6 8	1 4 8	1 2 8	1 0 8	
White Clayed Sugar, or Sugar rendered by any process equal in quality to White Clayed, not being Refined, for every cwt. . . .	1 4 6	1 3 4	1 1 7	0 19 10	0 18 1	
Brown Sugar, being Muscovado, or Clayed, or any other Sugar, not being equal in quality to White Clayed, for every cwt. . .	1 1 0	1 0 0	0 18 6	0 17 0	0 15 6	
Molasses, for every cwt. . .	0 7 10	0 7 6	0 6 11	0 6 4	0 5 9	

4. On all Foreign Sugar or Molasses, not otherwise charged with Duty, the Duties following :—	£	s.	d.
Refined Sugar or Sugar Candy, the cwt.	3	3	0
Brown Muscovado or Clayed Sugar, not being refined, the cwt.	2	2	0
Molasses, the cwt.	0	15	8

2. *Resolved*—That the Bounties or Drawbacks following be paid and allowed upon the exportation of certain descriptions of Refined Sugar from the United Kingdom (that is to say),

	£	s.	d.
Upon Double Refined Sugar, or Sugar equal in quality to Double Refined, for every cwt.	1	0	0
Upon other Refined Sugar in Loaf, complete and whole, or Lumps duly Refined, having been perfectly clarified and thoroughly dried on the stove, and being of an uniform whiteness throughout, or such Sugar pounded, crushed, or broken, for every cwt. .	0	17	0
Upon Bastard or Refined Sugar, broken in pieces, or being ground, or powdered Sugar pounded, or crushed or broken, for every cwt. . . .	0	14	0

On the first Resolution,

Mr. D. BARCLAY rose and addressed the Committee in opposition to the Resolutions. He urged the importance of affording our West Indian Colonies a supply of free labour. He observed, that there was a wide difference between labour, which, in the case of free negroes, was optional, and the work of fourteen or sixteen hours a day, which was exacted from the slaves in Cuba or Brazil. It could not be expected, if the duties upon foreign or colonial sugar were equalized, that the attachment which was now exhibited by our Colonies towards the mother country would be permanent. Indeed, he considered the withdrawal of protection from our Colonies was tantamount to severing the connexion between them and this country. If this measure should, however, be adopted, he thought that every restriction which prevented the consumption of our colonial sugar and rum in this country should be removed. A certain amount of protection was still given to our manufacturers; and if a similar protection was not to be extended to our colonists, one almost felt inclined to ask whether they were to be regarded as our fellow subjects. He hoped, if the measure of the Government was adopted, that no obstruction would be offered to the introduction of free labour into our colonial possessions, or to the unrestricted use of colonial sugar in the breweries and distilleries of this country. The hon. Member for Dover had stated the other night that in consequence of the measure which had been proposed by the Government, the cultivation of several estates in our West

Indian Colonies had been abandoned, and he (Mr. Barclay) had heard to-day that the cultivation of other estates would be given up, He considered that this subject deserved the serious consideration of Her Majesty's Ministers, more especially as the colonists had no representatives in that House. The hon. Member then said he had a proposition to submit to the Committee, for regulating the duties in a manner different from that proposed by the Government, and was proceeding to read his Amendment, when

The CHAIRMAN signified to him that it must be moved upon the second Resolution.

On the Question, that White Clayed Sugar, or Sugars rendered by any process equal in quality to White Clayed, not being refined, pay a duty of 16*s.* 4*d.* for every cwt.,

MR. MOFFATT moved as an Amendment the repeal of the differential duties on white clayed sugar and muscovado or other sugar not being equal to white clayed. He observed that there was a great difficulty in obtaining any accurate test to distinguish these sugars, and the discriminating duty was otherwise objectionable, as it converted the Custom-house officers into a sort of tribunal for taxing imported goods. Last year the right hon. Baronet anticipated that there would be a revenue of 230,000*l.* from this discriminating duty; whereas the actual result proved the revenue so raised to be no more than 3,580*l.* Now, the sugar importers would rather pay that sum to the exchequer out of their own pockets than be subject to the annoyance and inconvenience resulting from the operation of this discriminating duty. It was inefficient for any useful purpose, but active for evil, as it checked improvement in the manufacture of sugar, as the manufacturers endeavoured to keep it just a shade below the point which would subject it to the discriminating duty.

The CHANCELLOR OF THE EXCHEQUER agreed in some of the observations of the hon. Member, though he differed from him in respect to the conclusion to which the hon. Member had come; for he (the Chancellor of the Exchequer) did not think it expedient to do away with this discriminating duty. When the right hon. Gentleman opposite introduced this distinction, he did not put it very much on the ground of revenue, but rather on the circumstance that a great quantity of sugar underwent some process of manufacture, which rendered it more valuable than the ordinary sugar; and that therefore it was not unfair that it should pay a higher rate of duty. He had been looking at the prices current for July, and he found that the descriptions of sugar which according to the proposition of the hon. Member would come in at the same rate of duty, had varied most extraordinarily in price, and it was hardly fair that they should come in at the same duty. The right hon. Gentleman read the following statement:

> "Prices of sugar:—Mauritius, very brown, July 4, 1*l.* 16*s.* to 1*l.* 17*s.*; July 22, 1*l.* 17*s.* to 1*l.* 19*s.* West India, brown, July 4, 2*l.* 2*s.* to 2*l.* 4*s.*; July 22, 2*l.* 6*s.* to 2*l.* 8*s.* Dhobar, July 4, 1*l.* 19*s.* to 3*l.* 5*s.*; July 22, 2*l.* 7*s.* to 3*l.* Cossipore, July 22, 2*l.* 14*s.* to 3*l.* 4*s.*"

Consequently, if the hon. Member's proposition were carried, there would be the same duty on sugar which was sold for 1*l.* 17*s.* and that which was sold for 3*l.* 4*s.* This was the ground on which this discriminating duty was imposed. It was perfectly true that the right hon. Gentleman did calculate that a considerable amount of duty would arise from the discrimination, and that that expectation had been entirely disappointed. He must therefore admit that, as a financial measure, this discriminating duty had failed. It was also true, that it had caused a certain annoyance and inconvenience to the trade, which he should be happy to do his best to remove. He had received a deputation of gentlemen interested in the repeal of this discriminating duty; which they thought ought to be converted into a rated duty on all sugars unrefined. He admitted that there might be difficulty in many ways in carrying into effect this duty, approaching to an *ad valorem* duty; but if grounds existed for its original imposition, there seemed to be more for its present continuance now that it was proposed to admit all foreign sugar; because various descriptions of sugar, of superior quality, might come in; and the House was not in a position to judge what effect that might have on the West Indian Colonies. On this point he would read extracts from two letters to the House:—

> "I think the matter will be much changed by the introduction of Cuba and Brazil sugar. You would then have two classes only—the highest would be refined, and what was rendered by any process equal to refined and everything else would be admitted at 21s. duty. For the first class, fine white Havannah would, I suppose be your standard, to which none but the very finest Brazil sugar would come up, and perhaps a little of the

finest white Java; but a great deal would be entered both from Cuba and Brazil at the 21*s.* duty, which in quality would be equal or superior to the Dutch Java, No. 15 standard, although below Havannah white; and thus I think an additional and indirect and unintended injury would be inflicted on our own West India producers."

Extract from letter, dated July 22, 1846:—

> "The only thing that has excited any alarm is the uncertainty about the duty on refined and clayed sugar. If these fine sugars were to be admitted at any lower duty than the scale submitted to Parliament, I assure you, as a practical man, that the duties on these sugars would be lower, quality and value considered, than the duty on colonial sugar. It is quite a mistake to say, that any difficulty can arise as to the different qualities."

He must, however, admit that Lord Spencer had imposed duties of a similar character on tea, which he found himself afterwards obliged to abandon, introducing then a rated duty. Yet now considerable complaints were made that there was the same duty on lower sorts of teas as on some that were higher; and similar discontent would probably follow the adoption of the hon. Member's proposition. He had referred to the Custom-house officers to ascertain what inconvenience and uncertainty they had experienced, and he would on this point read a short extract from a letter written by the Chairman of the Board of Customs, dated July 30, 1846:—

> "You will observe, that although on the first introduction of the discriminating duty on sugar, some inconvenience and delay were experienced, the officers report that the law has been and may be henceforward carried into operation with fairness and justice; that the decisions of the officers have been, with few exceptions, consistent with each other, and on the whole satisfactory to the trade and the public. The qualities of sugar imported into this country vary from the lowest—hardly better than molasses—to quality equal to refined sugar. The sugars from Havannah, which will now for the first time come into competition with our colonial sugars, are of a very superior quality. Some of these will undoubtedly be assessed as refined sugar; but other parcels, not quite coming up to the standard of refined, would pay the lowest duty (if the intermediate rate be abolished) and would in that case be very unequally taxed, as compared with the average samples of muscovado sugar. It is not my province as a revenue officer to decide on the policy and expediency of retaining this class of duties. It is perhaps sufficient for me to repeat, that if it be the pleasure of Parliament to continue the existing classification, the officers of the Customs feel confident that they will be able to assess the duties on sugar without difficulty or inconvenience."

That was the opinion of a gentleman well known to hon. Members of that House, the present Chairman of the Board of Customs. The Surveyor General of Customs reported, under date July 23, 1846:—

> "We beg to express our belief that the law has been, and may be, carried out by the officers of Customs with fairness and justice. But there have been instances in which the parties immediately interested have been dissatisfied with the officers' decisions, although those decisions have met with the concurring opinions of the trade, with whom the officers have conferred."

With respect to the principal outports, the cases there had been so trifling, and had been decided so satisfactorily, that there could not be ground for that general dissatisfaction intimated by the hon. Member. [The right hon. Gentleman read various reports from the Custom-house officers of Dublin, Bristol, Greenock, and Liverpool.] He did not mean, he continued, to maintain that the discriminating duty had not been attended with some difficulty and objection; but the whole of the papers which he had read showed that there was not much reason to complain. Let the line be drawn where it might, there must be some cases approaching very near it, occasioning difficulty and doubt; and when samples were sent out to the sugar countries abroad, with directions to the manufacturers to work their sugar as near to the sample as possible, so that it might escape the discriminating duty, and if in the process of working they made a slight mistake and overshot the mark, subjecting the sugar to the duty of 16*s.* 4*d.*, no doubt in such a case some little dissatisfaction would arise. He had no reason to believe that the decision which had been come to would be unsatisfactory to the trade in general. Considering that the West Indians were the parties on whom the present measure with respect to the Sugar Duties pressed most severely, he should certainly be unwilling, under present circumstances, and without stronger grounds, to inflict what they might regard as an additional grievance and blow on them. This arrangement of the discriminating duty could not altogether be considered as much more than experimental; it had been in operation but for one year, and could hardly be said to have been fairly tried. What additional difficulty might be created in connexion with it by the introduction of all kinds of foreign sugar, it was not for him to say; but he was not prepared to give up the discriminating duty at the present moment, though at the same time he could not pledge himself to it as a permanent measure. The West Indian body might before long not be in favour of keeping up this distinction. To a certain extent it discouraged improved processes of manufacturing their sugar; and from a return he had read, it appeared it was in three or four instances on West Indian sugar that the higher rate of duty had been charged; and, therefore, some of the West Indian body might be in favour of doing away with the discrimination. He had received suggestions from various gentlemen, and should do all in his power to render the standard certain.

MR. P. M. STEWART thought the present measure was to be final. If the question now before the House was to be revived hereafter, the West Indians might some day be robbed of the benefit they were to receive for the sacrifice by which they supposed they were now purchasing peace.

Amendment withdrawn.

On the Question, that on Brown Sugar, being Muscovado or Clayed, or any other Sugar not been equal in quality to White Clayed, there be paid for every cwt. a duty of 14*s*.,

MR. JAMES rose to move, that colonial sugar be admitted for the next three years at a duty not exceeding 10*s*. the cwt. If there was to be only the small differential duty proposed between colonial and slave-grown sugar, our West Indian cultivation would in a very short time be entirely discontinued; no one would carry on any concern for a length of time without a reasonable prospect of some profit. The Government calculations as to revenue were based upon the expectation that our importations from our Colonies were to continue what they were, or nearly so; but he felt convinced that in a very few years we should be supplied almost entirely from slave countries, and the price of sugar would be much greater than at present. Our colonial proprietors would be ruined, and slavery and the Slave Trade increased and perpetuated. Without troubling the House with a long speech about nothing, he would propose his Amendment, with a view to afford our colonists a chance of being able to continue the cultivation of their properties, not merely for their own benefit, but also for that of the people at large. Why should there be a tax on colonial produce, any more than on importations from Ireland, or on the productions of Wales? But if there must be, one penny a pound would be better than three halfpence. He was actuated by anything but feelings of hostility to the Government, and particularly to the noble Lord who was its head and ornament; he (Mr. James) supported the same party once, when Lord Melbourne was at their head, on a very important occasion; he could not tell whether they recollected it, but he himself did. It would be useless to divide the House now that they were supported not only by their friends, but by their opponents; he must content himself with urging the Government to consider the justice of his proposal.

The CHANCELLOR of the EXCHEQUER regretted that he could not be swayed altogether by a feeling of gratitude to the hon. Gentleman. The Amendment would involve a very large sacrifice of revenue; no quantity of sugar could be brought at a 10*s*. duty to supply an adequate revenue. If the Government could have consented to reduce the 14*s*. duty, no one would be more glad than he; but it could not be done now, and he was afraid that for the next five years they would have no chance of doing it.

Amendment withdrawn.

On the Question, that on Candy, brown, or white, Double Refined Sugar, or Sugar equal in quality to Double Refined, there be paid, from and after the passing of this Act to July 5, 1847, inclusive, 1*l*. 11*s*. 6*d*. for every cwt.; and from and after July 5, 1847, to July 5, 1848, inclusive, 1*l*. 10*s*.,

MR. BARCLAY moved to substitute "1*l*. 11*s*. 6*d*." for "1*l*. 10*s*."

The CHANCELLOR OF THE EXCHEQUER admitted that it might be difficult to give reasons for the precise scale adopted; but upon the whole he thought the Government scale of reductions year after year the best calculated to promote the interests of the West India proprietors themselves and of the consumer, as well as best for the revenue. With regard to the introduction of molasses into distilleries, all he would now say was, that he would give the subject the fullest consideration; but on this point the West India interest had sent him no details; the colonists were entitled to, and would certainly receive from the Government, every aid which could be given them in the disposal of their produce.

MR. BARKLY: Mr. Greene, I did not intend to trouble the House again on the subject of these duties, when I explained my reasons for voting the other night for going into this Committee, and I shall do so briefly now. I did hope Her Majesty's

Government would have taken the advice of men of all parties, both in and out of the House, and improved their scale by abolishing the last year's protection, and condensing the amount of protection left on the former years. With all its pretence of protection, with the sixty different rates of duty it imposes on saccharine matter in its various stages—which it will take the time of a clerk in every merchant's office to investigate—this measure will not have the effect of encouraging the West India planter to persevere at this hour of trial. The amount of protection it provides (which, of course, in any event, will enhance the price of all foreign sugar admitted), is so distributed as to be of the least possible use to him. It is high in the first two years, when, from the shortness of his own crops and the impossibility of diverting more than a limited quantity of the existing supply of foreign sugar to this country, he least needs it: it drops to a merely nominal amount the third year, when the increased produce resulting from the labour he has procured, and the capital he has expended, comes to market, and when the slave-owner is prepared to pour in a large supply of foreign sugar. What the West India planter requires is a valid protection during the time he is procuring labour, and rendering it available. The rag of protection left on the last two years in these Resolutions, is universally held by men of business to be a mockery to the producer, and a robbery of the consumer. Long before five years the question must be decided as to whether an estate in the West Indies can be restored to its former state of remunerative cultivation, or whether its proprietor shall cease to struggle with insuperable difficulties. The West India steamer that departs to-morrow will bear the announcement of ruin to many unfortunate individuals, who, at the moment at which the House are discussing this question, are not even aware that they have to contend with any other competition in the case of the sugar they are now manufacturing, than that of the free-labour produce which the late Government proposed to admit. I should certainly have supported the Amendment moved by the hon. Member for Sunderland, if he had deemed it expedient to go to a division, because that, trifling as is the improvement it would have effected, I did hope it might have had the effect of inducing merchants to continue, at least for a short time, to support their mortgages, because I believe it would have conciliated the feelings of the colonial producer, and encouraged him to persevere, and because by these means it would have secured a cheaper supply of sugar to the people of this country, whilst it attained for them the abolition of all restrictions, and free trade in sugar one year earlier than by the measure proposed by Government. I cannot see why these advantages should be sacrificed to the maintenance of what I must be excused for calling a show of consistency on the part of Her Majesty's Ministers, in upholding a hasty and ill-considered measure. I fear the manner in which the moderation of a great interest has been met on this occasion by the noble Lord at the head of the Administration, will tend greatly to confirm the impression that the Government of this country is alone open to the influence of agitation and clamour.

Sir J. R. REID observed, that the West India packet which was to sail next day would carry out to the colonists there intelligence of the most melancholy kind that the West Indies had perhaps ever received. He did not hesitate to say that the course taken by Her Majesty's Government was full of the grossest injustice to those Colonies ; but while he said this, he was compelled also to say, that the kindness of manner and the urbanity shown by the right hon. Gentleman the Chancellor of the Exchequer commanded universal respect. Great injustice had, nevertheless, been inflicted on the West Indies, and he could tell the House that it had been decided that very day by merchants connected with these Colonies to abandon their estates, and not send out their usual supplies. He should not be doing his duty to those whom he represented, if he did not state this fact unequivocally and distinctly to the House. He would appeal to the justice, honour, and kind feeling of the House, whether a great interest like this ought to be sacrificed. He objected to the conclusion at which the House had arrived; he objected to the mode in which the question had been discussed, and also to the hurried manner in which in which it had been disposed of ; and, he objected generally to the unjust, and cruel, and oppressive manner in which all connected with that great interest had been treated. He hoped the House would make some allowance for his expressing himself warmly, but his sentiments were most sincere ; they were founded in truth, and every word that he had uttered came from his heart.

MR. P. M. STEWART thought the gloom which hung over the West Indies had been rather exaggerated by the hon. Gentlemen who opposed the Government measure. He should have been exceedingly glad if the Government had acceded to the Amendment, as it would have been valuable as an expression of kind feeling towards the Colonies, while in a financial point of view that Amendment was, in his opinion, preferable to the proposal of the Government. It would have been better for the revenue ; to the consumer it would have commended itself as proposing to limit the term to four instead of five years ; and to the colonist it would have the recommendation that it would enable him to put himself right in three years, so as to be ready to come into competition with foreigners. On these grounds he was sorry that the Amendment had not been conceded. In regard to the gloom, however, he hoped the tone which their Friends opposite had thrown into the debate, would not be sent across the Atlantic to the Colonies. They were not gone yet, but would still be ready to compete, if the Government would realize to them the hopes which had been held out with reference to other measures—he meant an unrestricted supply of labour from any British possession under the sun, and also with regard to the disposal of their produce. He would, therefore, say to his friends in the Colonies, that hard and severe as this measure was, great as was the competition to which it exposed them, yet, with all these disadvantages, if the Government would act up to its promises with regard to the supply of labour and the disposal of their produce, they would be able to go on successfully yet.

MR. BORTHWICK had no doubt that the measure was in itself most beneficial, looking at the Colonies as Colonies; but he would state a case to the House which would show that the fears of many individuals were far from groundless. The case he referred to was that of an estate in the island of Demerara. The property for half a century yielded to the proprietor 20,000*l.* a year. The proprietor—a lady —like most West Indian proprietors, resided in this country. She lived up to the amount of her income ; the estate during the period mentioned regularly yielding a spendable income of 20,000*l.* a year, but at this moment the estate was making a debt of 10,000*l.* annually ; in fact, there was a mortgage upon it of 10,000*l.*, and the merchants in the city, who had the management of the property, now said they could not sell the property in the market for as much money as would pay off the mortgage of 10,000*l.* The state to which the lady was reduced was such that she had applied to some friends of his (Mr. Borthwick's) to try whether he could not obtain situations for her two daughters as governesses. The mortgage would probably, in consequence of this measure, be foreclosed, and the lady would be deprived of any income at all, and would be reduced to utter ruin. Now this lady was the representative of a large class, and he felt confident he should not be working upon the sympathies of Members of that House in vain, in asking the Government to afford such protection to proprietors as would enable estates similar to the one he had mentioned to be protected.

MR. GOULBURN said, it was impossible for those who were connected with the West Indian Colonies, or who had known what had gone on in them, not to be able to produce many melancholy instances in which those who had been in affluence and comfort had been reduced to straitened circumstances, to dependence, and distress, which extended not only to individuals who were able to find some other means for providing for themselves, but which involved many women and children, who had no means of obtaining their subsistence; still he was not prepared, if the question had gone to a division, to vote for the Amendment of his hon. Friend. Not but that he would have been glad if the Government had come forward to adopt that or some analogous proposition, more with a view of showing some interest for a deeply suffering body, than with any expectation of a beneficial result. He would, however, insist upon other points, which combining with the acknowledged principles now adopted, could be carried, and he urged the friends of the colonists to use their energies in pressing upon the Government those other measures of compensation which could be given without the departure from any principle, and for which, in strict conformity with what was right, the West Indians had the strongest claims upon any Government, when they were to be deprived of that protective duty which appeared to the Legislature to have been imposed upon their fellow subjects only to aggravate the price of a commodity of great necessity. Supposing, therefore, the propositions in behalf of the Government would be acted upon in sincerity, he felt it would be best for the West Indians to make the Government responsible, and to claim from those who took away their advantage, to give them others which would enable them to enter into fair competition. He should certainly recommend those whom he advised, not to press the Government on the subject of sugar; but to press till they had gained a perfect equality of duty in other commodities, and such assistance in the way of labour as could be given without violating any principle that had been laid down with respect to the Slave Trade. As a compensation for the tardiness of that assistance, every energy must now be used. He was one of the body whose interests were deeply affected, and he should follow the advice of the hon. Member for Renfrewshire (Mr. P. Stewart), and advise others, not, in the first feelings of distress, to abandon those exertions by which alone they could be rescued from impending ruin; and he trusted that this body, looking at the assurance which had been given by the Government that advantages would be afforded, and knowing that there were those in Parliament who would press the Government to answer their just claims, would find that their properties could be made productive, and so provide the great security against the foreign Slave Trade by bringing the produce of the West Indies into competition with slave-grown sugar.

Dr. BOWRING considered the calm and conciliatory spirit in which the West Indian interest had received the Government propositions, entitled them to have their case and their claims calmly and deliberately considered by that House. For himself he was of opinion the present measure was entangled by too many complications; but he had no doubt Government would consider the details, and would be willing to inquire if there were not facilities and advantages that could be fairly conceded to the West Indian Colonies. He wished the rum question were finally settled. Difficulties put forward by the Excise or Customs ought not to be allowed to interfere with the settlement of a great question. Such minor impediments ought not to be permitted to offer an obstruction to beneficial legislation. The present step was an important step in the right direction, and he could not but feel if Government continued in the same course, they would find a disposition on all sides to lend them a common support.

Mr. BERNAL knew that letters would be written to-morrow to all the large Colonies, and he was glad therefore that the right hon. Gentleman had repeated his promise and declared that he was ready to carry out a system of justice to all classes; but there was something dropped from the right hon. Gentleman, though he spoke in so low a tone of voice that he could hardly hear him, about not knowing exactly what the West Indians wished.

The CHANCELLOR of the EXCHEQUER said, that the West Indians had stated that as all protection was withdrawn from them, there ought to be no protection against them; and he had asked them, instead of laying down a general principle in which all were agreed, to give him the details of what restrictions they complained of, and what obstacles they met with. Take rum for instance, protection and free trade had nothing to do with the principle of that duty. It was imposed as a fiscal regulation, that the burden on British spirit and on colonial should be such as to allow them to come into consumption on precisely equal terms. Upon that principle the differential duty of 1*s.* 6*d.* had been imposed, and it was believed under the existing circumstances that, with this fiscal burden, the colonial and British spirit would come into English consumption on equal terms. When the question was last before the Government, therefore, they decided that 1*s.* 6*d.* was the requisite fiscal burden for that purpose; but when he had himself considered the subject, from the information he had received, he believed that the duty should be 1*s.* instead of 1*s.* 6*d.*, that being, as he thought, about the sum which would provide the equality. He had since been told by the West Indian deputation that the 1*s.* 6*d.* was too high, and the distillers had remonstrated against him as going too far. He was not disposed to quarrel with these complaints; and he had told both parties that he admitted the principle of perfect equality, and that he would hear all the statements of the West Indians against the 1*s.* being too much, and of the distillers against its being too high; and, if the West Indians could make out that there was more than an equality in his proposed duty, he would reduce the duty to such amount as would cause an equality. The West Indians must admit that there were some charges, such as the malt duty, which the British distiller had to pay, and they had not. He and the West Indians were agreed as to the principle; and he was ready to go into the details with them; all he asked was, that instead of their demanding of him to deal with them on the principle of free trade, to show him where the one shilling was too much. When he received that statement, justice should be done to all parties. So with regard to other articles, there was no question of protection; the duty was not imposed for the purpose of protection, but for other purposes. This was the case with molasses and sugar, about which his hon. Friend had stated he did not know the law. If instead of stating their wish that all protection should be done away with, he received some statement in detail—for it was not a question of protection but revenue—he would then deal fairly between all interests; but till he received those statements, he could only give the general assurance of the sincerity of his intentions.

MR. BERNAL did not doubt the right hon. Gentleman's sincerity or integrity; but as to-morrow's packet would go to the Colonies, it was essential that every thing should go with it that would allay irritation. When the hon. Gentleman said, that these duties were not imposed for the purposes of protection, he must add that they operated as a protection. When they found the duty on rum in Scotland to be 9*s.* 4*d.*, and on spirits to be 3*s.* 8*d.*, what did it signify for what reason the duty was imposed, since it operated as a protection? Did his right hon. Friend know that there was in Scotland a spirit called the "silent spirit," composed, he believed, of alcohol, which was made to appear of the colour, and something like the flavour of rum, which was vended to the injury of the seller of rum? If the duty of 1*s.* were proper, why was it not payable in Scotland? He knew that the distillers here would urge the expenses of their plant, and would contend that the 1*s.* was only a fair amount of the differential duty; but if this were so, could any one tell why the same differential duty did not prevail in Scotland and Ireland? Why was there not an uniform duty? There was a distinction with respect to spirits coming from Jersey, and so there would be no difficulty in collecting a different amount in Scotland or Ireland. He did not mean to cast any reflection on the integrity of the Excise, or on any other Board. They thought, no doubt, they only did what was right, and could have no bias for any interest; but the question was, what should be the amount of duty on rum, and what the duties on sugar and molasses admitted into breweries? He believed that in distilleries sugar could be introduced, if corn were not on the premises; but it would not be admitted into breweries. [The CHANCELLOR of the EXCHEQUER: Every one can brew his own sugar.] And so they might their cocculus indicus. With respect to labour, he believed that three years had been the time for which labourers had been engaged in Madeira.

MR. HUME was sorry to hear such an account from the West Indies as had been given by the hon. Member. He was very anxious that Gentlemen should, on this occasion, repeat their determination to carry out the principle of free trade in every respect, and to allow no interference to prevent them. No one could have believed that matters would have been settled so amicably as they had been; and he was very glad to see that it had been so. The amount of the present protection was 22*s.*, while all the colonists would have been satisfied with 24*s.* Now it did appear extraordinary, when the difference between them was so little—when the Colonies could have been so easily satisfied, the revenue improved, and no injury done to the consumer—that the Government had not felt themselves at liberty to have arranged the matter in such a way as would have put all the parties in a good humour, and have satisfied every one. He did not regard protection as being at all necessary to the Colonies, provided they had free labour in abundance; and it was with the view of giving them that necessary, that he expressed his hope that Her Majesty's Ministers would repeat their determination, in all good faith, to give their Colonies every assistance for its importation. He must, however, declare his opinion, that unless there were a change in the management of the Colonies—unless there were some end of this perpetual meddling—this constant interfering — this stopping one day, and urging another—the order of January being scarce received till it was countermanded by that of February—it was utterly impossible that any interest could thrive. If they looked to the state of every Colony under the Crown, they would see that ruin must follow, unless they were left to manage their own affairs. They had no Colony at present which was not a burden to the country. From every quarter the House had received petitions complaining of the evil consequences of the present system, which had destroyed the unanimity of action that ought to prevail between them and the mother country. He hoped that the Colonies would receive the present measures of Government in good faith, and he should like to see good feeling established between this country and every one of them.

Lord J. RUSSELL: I have heard with very great pleasure the statement made during this discussion by the right hon. Gentleman the Member for the University of Cambridge. I have no hesitation in saying that he addressed himself to this question in the fairest possible manner; and I quite concur with the right hon. Gentleman in many of the observations which he made. I think, so far as they go, that they will be useful to the interests of the consumer. But apart from the observations made by the right hon. Gentleman, the attention of the House has been drawn to the scale proposed by the hon. Member for Sunderland; and I acknowledge that that scale does not appear to differ very widely from the scale proposed by Her Majesty's Government. But the subject is one of great importance; and I believe the House will agree with me in thinking that the scale proposed by the Government is likely to prove upon the whole more advantageous than any other that has yet been submitted to the House. I conceive that it will be better for the consumer in this point of view, because, during the first three years, there will not be sudden drops of 3*s.* 6*d.*, and besides it will be better for the revenue; the sudden drops would have the effect of stopping consumption in many cases, and would, in my opinion, occasion much embarrassment. Looking, then, deliberately at the one plan and the other, I confess I do not see any sufficient reason for giving a preference to the proposition of the hon. Member for Sunderland over that of Her Majesty's Government. It is perfectly true, that some Gentlemen connected with the West Indian body said that they would prefer the scale proposed by the hon. Member for Sunderland; but I hope it will be remembered that on the first night we proposed our scale, we said it was only proposed for four years. It was said that 23*s.* 4*d.* ought to be maintained, and that six not four years ought to have been the time allowed. As to all the other measures of the Government which affected this question, the right hon. Gentleman the late Chancellor of the Exchequer said, that they were fair and just towards the West Indians, and that they were calculated to enable the West Indians to compete with all others engaged in a similar trade. It is satisfactory to the Government to find that our measures are admitted to be fair and just. We are anxious they should be so in the minutest details; but I am sure the House will be ready to admit that we require time for the accomplishment of that object. I am at the same time ready to repeat my assurance that our propositions have not been brought forward for the sake of protection, but with the sincere wish of adjusting all the difficulties, and of effecting a settlement by which we might finally abide. With respect to the duty of 1*s.* 6*d.* payable on rum, I have thought it desirable to call the attention of the Chairman of the Board of Excise to that subject. I need scarcely say that I place great reliance upon his intelligence and judgment; and I am sure it will not be forgotten that he can have no prejudice, either in favour of the West India interest or against it. He agrees with us in thinking that 1*s.* 6*d.* will be no more than a fair compensation for loss, after the duty has been taken, and after due allowance has been made for other circumstances. All these matters we were bound to look into, and to give each the weight to which it was fairly entitled. We have considered all these circumstances, and so likewise has the Chairman of the Board of Excise, and we have arrived at the conclusion which has already been made known to the House. So much with respect to the question, as it affects distillers. With respect to the admission of sugar into breweries, we were anxious upon that point to come to the fairest possible decision, and I think the result will show that we have, in this case, taken the best course. We could not overlook the fact that in the West Indies a great social change had taken place by the abolition of slavery; that the benefits of protection had been extended to them for several years; we were therefore bound most carefully to look into all the attendant circumstances. I confess upon this point I was sorry to hear two hon. Members opposite speak in such a desponding tone as they did respecting the prospects of the West Indies. I must say that I do not come to the same conclusion as that at which they arrived. Though still considering and bearing in mind what I said upon a former occasion, I must repeat that I do not take such a gloomy view of the prospects of the West India interest as has been taken by those hon. Gentlemen. I do believe that those Colonies possess the means of competing with all who are engaged in a similar trade; and I do believe that they will very soon show that they possess the means. I do not overlook the fact that additional labour has been freshly introduced into our West Indian Colonies. I happened to have been in the Colonial Office when restrictions were placed upon the introduction of additional labour from the coast of Africa. I altered those restrictions, first upon the representations of the several anti-slavery societies, and secondly upon representations which reached me from Foreign Powers—Spain, for instance, which charged us with attempting to revive the Slave Trade. Great precautions, however, were necessary; but I did not believe that the restrictions would be ultimately necessary, and I was of opinion that in a few years they might be relaxed. I stated that opinion in a despatch which I addressed to the Governor of Sierra Leone; and I believe I said that the introduction of free labourers from the coast of Africa would be attended with beneficial effects not only to the West Indies, but to the inhabitants of Africa themselves. For those labourers, when they returned to Africa, would probably bring back with them habits of life calculated to promote civilization in the barbarous parts of Africa. Those were my opinions, and I am glad to find that that permission which I gave for the introduction of free workmen, continues to further the results of labour; and the direct benefits accruing from that labour were not the only things that I looked to. It has been extensively useful to the West Indians. But I am by no means insensible to the apprehension that that system of immigration may be carried too far; and there is at present in this country a noble Lord who was for some years a governor of Jamaica, who agrees with me in thinking that it will only be useful, carried to a certain extent. In such a case as this, great attention should be paid to the expense of labour, and to the means of enabling the people of the West Indies to conduct their agricultural operations in the most economical manner. At the same time I am far from wishing to oppose my opinion to the laws which colonial assemblies may enact; they may think themselves right, and that we are wrong; we may think them wrong, and ourselves right. I do not now wish to say which is wrong; but this we do know, that obstacles have been raised to the introduction of free labour; but I hope the matter will not be looked at despondingly, and that obstacles will not present themselves to our future course. I recollect when the right hon. Baronet who was at the head of the late Government, introduced his Corn Bill, that measure was regarded despondingly, and the most gloomy anticipations were indulged; yet they, I hope, will soon be falsified; and I trust that a similar degree of success awaits this measure also, and that soon not one of our Colonies will be a burden to us. [MR. HUME: Can you tell me any one Colony that is not so?] I am not prepared to say, that every inhabitant of every Colony is perfectly satisfied; but I believe that the general feeling throughout our Colonies is not one of dissatisfaction; and I do believe that my noble Friend now at the head of the Colonial Department will pay every possible attention to the affairs of that department; and I am happy to be able to state that he agrees with me in the justice and expediency of extending free institutions as far as they possibly can be extended to all Colonies under the Crown of Great Britain. He agrees with me in thinking that wherever Englishmen are assembled in great numbers, they are not so well governed by a Secretary of State as by institutions which enable them in some degree to exercise self-government. I say this generally, without meaning to assert that it is true in all cases; but I believe it will be found to be true in a great number, and that we are fully justified in taking general measures for enabling all Colonies to be governed by free institutions.

MR. P. HOWARD thought there was one point which the Government might fairly concede to the colonists—a point which had been alluded to by the hon. Member for Weymouth. It was proposed to limit the contracts with the labourers to one year. He considered that period too short, both for the employer and the labourer, and was of opinion that the period of contract labour ought to extend to four or five years. Such a change would not only be beneficial to the Hill Coolies, but to the imported Africans. He hoped the Government would take into consideration the suggestions he had offered, and that the boon sought for would be conceded to the West Indians.

Amendment withdrawn.

Resolutions agreed to.

House resumed. Report to be brought up.

NAVAL COURTS MARTIAL.

On the Order of the Day for going into Committee of Supply,

MR. W. WILLIAMS wished to call the attention of the House to the manner in which courts martial were constituted and conducted in the British navy. Under the present system, by the Act of George II., it was necessary that a naval court martial should consist of five officers at the least, three of whom must be post-captains. But it was extremely difficult to find that number when a ship was on a foreign station. A case had been stated to him, in which a young officer, of high connexions, had been put under arrest, and because three post-captains could not be found, a ship was sent from this country with a post-captain, in order to hold the court martial. At the same time, it was impossible to prove those facts. [SIR G. COCKBURN: Because they are not true.] In common justice to that young officer, they were bound to do what they did; but he ought not to be kept a single day without having the opportunity of defending himself from the charge against him. The system was upon an erroneous principle, and was liable, necessarily, to place officers in situations of the greatest anxiety. In the army field-officers constituted the court martial; but if there was a deficiency a captain was eligible to supply it, and it should be the same with lieutenants in the navy. Another defect was, that under the Act of George II., the sole and entire power was given to them—there was no appeal to the Crown or the Admiralty—there was no power by law to disallow the sentence of the court martial. The Sovereign might replace an officer, but that was a different matter. Every principle of justice was violated by the present system. The hon. Gentleman, in illustration, referred to the case of Lieutenant Walker of the *Alban*, who fourteen years ago had been brought to a court martial by Captain Pigott of the *Barham*. It was true that Captain Pigott was the superior officer; but being the officer of another vessel, the court martial was contrary to one of the orders of the Admiralty, and yet there was no appeal.

COLONEL FOX wished to ask the hon. Member whether he had given notice of his intention to bring this case forward; for without such notice it was hardly fair to the present Board of Admiralty, who had not been in office a month to refer to a case that had occurred fourteen years ago.

MR. WILLIAMS was convinced that he had a correct account of the facts, and he formed his conclusion from those facts; but if they were disputed he was ready to prove them. He brought no charge against anybody, not even against the officers of the courts martial, except that they committed errors. The hon. Member mentioned another case, of Lieutenant Brydges, who on the coast of Africa, had some words with a vice-consul, and offered to meet him on shore. He was tried by a court martial. Leading questions were put to the witnesses, and the result was, that he was sentenced to be dismissed from his ship, contrary, as he (Mr. Williams) contended, to the spirit and letter of the law. All the check he wanted was, that the navy should be placed in the same position as the army.

MR. WARD said, his hon. Friend had mooted at the outset of his speech a general question of importance, but had attempted to ride off upon two cases, one of thirteen years' date, and the other six years ago. He was not prepared to meet him upon these two cases. As to the lieutenants sitting on courts martial, that was a grave question for consideration; but it ought not to turn upon a particular case of a foolish squabble. With regard to the power of revising courts martial, what was to be done where they were held on distant stations? It would be impracticable; there must be a summary jurisdiction in such cases. As to referring courts martial sitting at the extremity of the world to the Admiralty at home, it was out of the question. The whole subject, would, however, receive the earliest consideration of the noble Lord at the head of the Admiralty.

SIR G. COCKBURN said, the hon. Member (Mr. Williams) had made out the smallest case he had ever heard. He had said that even if courts martial were illegal, there was no redress to be had; whereas, if a court martial was illegal in its constitution, whatever its award, it went for nothing. A court martial was a court of honour as well as a court of law, and although the members were not lawyers, he thought that, generally speaking, their judgments were as good as those of other courts. The court martial upon Lieutenant Bridges was assembled legally; and as to legal questions being put at that court, the object of a court martial was to get at the truth. It turned out that the vice-consul was not "in the fleet," though on board the ship, and the man was restored.

With respect to the proposal for placing lieutenants on courts martial, if the hon. Member's object was to give facilities for more courts martial in the fleet than they had already, he would do a great mischief. It was an advantage to the navy that courts martial should be rare. He believed it to be absolutely necessary for the discipline of the service, that the power of flogging should be retained in the hands of the captain, but at the same time he believed that the less flogging there was the better, and the ship in which there was the most flogging was the worst managed. Flogging was occasionally necessary to bring a fresh crew into a state of discipline; but that attained, very little or no corporal punishment was necessary. He warned the House how they trifled with the discipline of the navy, and with the articles of war, by means of which that discipline had been for so many years preserved in a high state of efficiency.

Captain PECHELL said, the Admiralty had done right in appointing to a ship the gallant lieutenant who had been just named, but they had not so until the case had been brought before the House of Commons. There had been another instance of a court martial held at Bermuda, upon the commander of the *Alarm*, in which the Admiralty had in a similar manner reversed, or rather cast a slur upon, the proceedings of the court martials by appointing that officer to another ship. The revision of the articles of war was a delicate subject to introduce into that House; but the articles of war did nevertheless require revision, and he was glad that the present Ministers were likely to grapple with the subject.

Sir C. NAPIER said, it was always understood that naval court martials were superior to similar tribunals in the army. The proceedings of the latter were open to revision by the Commander-in-Chief, which would not be tolerated for an instant in the navy, where the members comprising it would look upon such interference as an imputation upon the manner in which they had discharged the duties they were sworn to perform.

House in Committee of Supply.

Several Votes were passed. House resumed and adjourned.

HOUSE OF LORDS,

Monday, August 3, 1846.

Minutes.] Public Bills.—1^{a}. Burial Service (No. 2); Marriages (Ireland) Act Amendment.

2^{a}. Baths and Washhouses; Militia Ballots Suspension; Ordnance Survey; Newfoundland.

Received the Royal Assent. Sugar Duties; New Zealand Loan; Ropemakers; Battersea Park; Chelsea Bridge and Embankment.

Petitions Presented. By the Earl of Eglinton, from the City of London, and the Royal Burgh of Ayr, for the Total Repeal of the Game Laws.—By Earl Powis, from Southampton, and several other places, in favour of the Small Debts Bill.—From the Wilsden and Wakefield Mechanics Institutions, in favour of the Corresponding Societies and Lecture Rooms Bill.—From several Proprietors of Baths in the Metropolis, praying to be heard by Counsel against the Baths and Washhouses Bill.—By Earl Powis, from Llanwddyn, Llangynew, and Abergavenny, praying that a Clause may be inserted in the Local Courts Bill requiring a knowledge of the Welsh Language by the Judges of those Courts in Wales, and that such Bill may speedily pass into a Law.

PENSIONS—INFANT SCHOOLS.

Lord BROUGHAM moved for a Return of all Pensions granted since the 1st of January, 1838, out of the 1,200*l.* Fund, stating the yearly amount, and whether the recipient held any permanent place under Government at the date of the grant. In moving for this return, he had no design of objecting to any pension granted by the present or the late Governments, for they appeared to him to have been dictated by a judicious exercise of the Royal favour; and the last occasion on which the power had been exercised met perhaps his approval more than any other; he meant the pension to Mr. Wilderspin, one of the persons most actively employed in a valuable branch of education. But he must correct an historical error into which his noble Friend at the head of the Government had fallen; for, though an historian, he had allowed his poetical imagination to get the better of the stern fact, when he gave to Mr. Wilderspin the credit of being the founder as well as the promoter of infant schools. They were founded in 1800 by Oberlin; and afterwards, in 1810, they were adopted by Fellenberg. As early, however, as 1802, Mr. Robert Owen had founded them at New Lanark, which had been seen by hundreds. Some time afterwards Mr. John Smith, late a Member of the other House, himself (Lord Brougham), the Marquess of Lansdowne, Mr. Mill, Mr. Fowell Buxton, Mr. Wilberforce, Mr. Wilson, and three others, subscribed 100*l.* each, and established a school in London, for which they procured from Mr. Owen the assistance of Mr. Buchanan, as master, and he remained for twenty years. Mr. Wilson, one of their body, next founded a school in Spitalfields, and it was for that school that he obtained those services of Mr. Wilderspin, which were indeed beyond all praise from him.

It was certain, therefore, that Robert Owen was the founder of infant schools in this country, and that Mr. Wilderspin was not the founder, though he was the active promoter. No man, however, more deserved a testimonial—for testimonials it was the fashion to call them, now they were so common that at the end of a successful season the manager of the opera had his testimonial, or tribute, as it was called in Ireland—in no case had it been more innocently gained or more richly deserved than by Mr. Wilderspin.

The MARQUESS of LANSDOWNE said, he could assure his noble and learned Friend, that however many witnesses it might have been his fortune to call to his aid in the course of his professional career, he had never put one into the box who could give more effectual testimony on this subject than he (the Marquess of Lansdowne) could. He concurred in all that had been stated by his noble and learned Friend: there could be no doubt that Mr. Owen was the founder of the infant schools in this country. Mr. Wilderspin and Mr. Oberlin had greatly contributed to propagate the system, especially the former of these gentlemen, in Dublin, where he (the Marquess of Lansdowne) had witnessed the beneficial working of it.

Returns ordered.

CASE OF THE EARL OF DUNDONALD.

LORD BROUGHAM said, he had to present a petition from a distinguished individual—he meant the Earl of Dundonald, better perhaps known as Lord Cochrane—to the subject of which he begged the attention of their Lordships and Her Majesty's Government. The petitioner referred to the great misfortunes which had pressed and were pressing upon him—misfortunes which he did not think he had done anything to deserve. The noble petitioner, in referring to his past misfortunes, now for the first time alluded to the real author of all his calamities, in the person of a party in whose handwriting a paper was found which clearly established his guilt, and Lord Dundonald's innocence. This party, it would be recollected, fled the country, and would not stand his trial. When brought up for judgment, knowing the real facts of the case, Mr. Topping, Mr. Serjeant Best (the late Lord Wynford), and himself (Lord Brougham), who were counsel for Lord Dundonald, urged him to avert it, by declaring who the guilty person was; but such was his delicate sense of honour towards a near relation, to whom he lay under great personal obligations during his youth, that no power of entreaty they could use could prevail on him to do so, and he went before the court to receive its judgment without disclosing the facts of the case. The sentence pronounced at that time continued unrepealed by law, and the banner which, as a Knight of the Bath, he had won by services which in point of gallantry would bear comparison with any of the proudest periods of our naval or military history, had been removed, and he continued degraded. In 1833, Her Majesty's Government, of which he (Lord Brougham) was then a Member, restored the noble Earl to his rank in the navy, and he was now a Vice Admiral. But he complained that the sentence recorded against him in a court of law remained unrepealed by Act of Parliament. The noble and learned Lord recapitulated the well-known services of Lord Dundonald to this country and to several of the South American States in their struggle for independence. The noble petitioner also stated that he had claims against the South American Governments for 75,000*l.* prize money, earned by him whilst serving at Chili and Peru, besides 25,000*l.* for his half pay, all of which money the American Governments had in their coffers; but on the principle of what was called repudiation, which had, it seemed, extended to South America, they would not allow him to touch one farthing of it. This money he had earned hardly in their service, and he called on the Government of this country and their Lordships to give him such an amount of countenance as would show the Americans that he was not in that degraded state in which they were supposed to believe him to be at the time the sentence in question was passed. One kind word said on his behalf to the South American Governments would no doubt enable him to have his claims more speedily adjusted. There was another subject mentioned in the petition, which no doubt many of their Lordships had frequently heard of. It related to the discovery, by Lord Dundonald, of a great destructive power. It was a most important secret—an invention the effects of which in case of any war would be wholly incalculable. The power had been examined by naval officers of great experience, amongst others by Lord Keith and Lord Exmouth, all of whom were astounded at its capabilities. It had also been submitted to the Duke of York, who requested that the secret might not be disclosed, and Lord Dundonald had strictly kept it to this hour. He (Lord Brougham) could take it upon himself to say that the invention was quite of a different character to Captain Warner's. Having endured all these misfortunes and never having disclosed his valuable secret, the noble petitioner prayed that the House would be pleased to adopt such measures for securing to him an investigation into the merits of his plan for destroying and dismantling ports and fleets, as to the wisdom of their right honourable House might seem meet.

Petition to lie on the Table.

BATHS AND WASHHOUSES.

The Marquess of LANSDOWNE begged leave, in pursuance of notice, to move the Second Reading of a Bill entitled, "An Act to promote the voluntary Establishment in Towns and Boroughs of Public Baths and Washhouses." Although the Bill had this very humble title and ordinary object, it was nevertheless, in his opinion —and he was sure, after a few moments of reflection, would be in the opinion of their Lordships—entitled to considerable respect, from the object which it professed to attain immediately, and still more from all the objects with which it was connected of a still higher nature; because he believed that if there was anything more demonstrable than another, it was the certain effect of teaching men to entertain self-respect and to cultivate those habits which made them seemly in the eyes of others, and enjoy a state of respectability of which they were conscious themselves. That these habits were connected in an imperceptible degree with many of the highest moral and religious virtues, was a proposition of which he was confident, and was also so well assured that their Lordships were convinced, that he hardly felt it necessary to dwell further upon the subject, than to recommend it to their attention as connected with the immediate object of this Bill. This Bill, which had now been sent to their Lordships from the other House of Parliament, where it had passed in the course of the last fortnight, had the good fortune, which was not always incidental to measures of this description, that while, undoubtedly, it attempted to introduce something like a new system in connexion with cleanliness into the policy of this country, it was founded upon facts which must render their Lordships assured of its necessity, and that its advantages were far beyond mere speculation; for, thanks to the great influence of individuals—thanks to that spirit of enterprise which in the great cities of this country was perpetually directed to the attainment of great public objects connected with the interests of the poor, there were existing now in England, established within the course of the last year, three, if not four, of these great establishments; two had been erected in London; one had had the experience of a year, and the other was on the point of being opened near Euston-square. The first was in the city, in Glasshouse-yard, and there was also a considerable establishment of the same description in the great town of Liverpool. Having informed himself of the practice connected with these establishments, he felt himself justified in stating to their Lordships that merely at the expense of $1\frac{1}{2}d.$, the advantages of bathing could be secured to all classes of the community. He found, that in Glasshouse-yard, at an expense of 377*l.*, advantages of bathing and washing were given in 63,142 cases. That in the establishment at Liverpool, where an expenditure of between 2,000*l.* and 3,000*l.* was incurred, the actual profit upon the establishment was something like an interest of $3\frac{1}{2}$ per cent upon the capital expended. All, therefore, that was meant by the present Bill was to give a stimulus to private enterprise; not to crush the enterprise where it had already taken place; not to extinguish those establishments which were now working beneficially for the advantage of the public; not to require of all corporations and vestries in England that they should immediately set up these baths—but to enable the corporations and vestries of every parish, with the consent of the Secretary of State, where they should see fit, to establish these baths, and to establish in connexion with these baths a certain rate of payment, that should make them on the one hand accessible to the poor, and on the other hand remunerative to the town and parish in which they were established. He would take this opportunity of adverting to a petition, presented by his noble and learned Friend (Lord Brougham), from parties who had established baths of this description. He knew not what these baths were; but if they existed beneficially, on moderate terms affording the accommodation that was desired and required, it never could be the wish or interest of any corporation or vestry to interfere with them. On the contrary, all that was desired was to step in where private enterprise had not established baths of this description, and to afford the accommodation which was wanting, and of which the necessity was so great. It was a striking fact connected with the Glasshouse-yard establishment—that of 60,000 persons who had derived benefit from it, no less than 9,000 had walked from three to five miles to obtain that advantage. As to the establishment which was on the point of being opened, a great many poor persons had dropped in and expressed their anxiety for its opening, leaving their sixpences voluntarily for that purpose. There would be a power given in the Bill to enable corporations and vestries where it should be for the advantage of the parties to purchase the interests in establishments which already existed, and convert them to the public use. There would also be a power, where there were commissions for paving and lighting, to transfer the management of these establishments to those commissioners, who it was thought might be most capable of administering them. He concluded by moving that the Bill be read a second time.

Lord BEAUMONT said, that when he first read the Bill, he was afraid that it might be productive of jobbing, for it enabled vestries to appoint paid servants; and he thought that the love of patronage might induce them to establish these baths for that purpose, when other similar institutions existed, and the whole might be charged on the poor rate. These apprehensions were removed by the speech of the noble Marquess; and he did not think that the charges of jobbing and an addition to the poor rates were well founded; for the noble Marquess had said, that the baths could not be established without the sanction of the Secretary of State. Another objection to this Bill was, that by the thirty-sixth clause there were to be establishments not only for the poorer but higher classes. He believed that there would always be a certain number of persons who would pay the higher rate, and that the effect of it would be to afford an additional security against any burden on the poor rates.

Bill read 2^a.

SMALL DEBTS BILL.

House in Committee according to Order.

The Earl of POWIS suggested to the Lord Chancellor that, in the appointment of judges in Wales, preference should be given to those persons who were acquainted with the Welsh language.

The LORD CHANCELLOR said, that undoubtedly it would be a great recommendation that those candidates should be appointed in Wales who were acquainted with the Welsh language; but he was afraid that if Members of the English Bar were to be appointed to these offices, some difficulty would be found in obtaining persons possessing the qualification: he would, however, take care that they should have the preference.

Clauses from 1 to 7 were agreed to.

Clause 8 being proposed,

The LORD CHANCELLOR observed, that there were many ancient courts having jurisdiction over small debts, but the far greater number existed under the provisions of modern Acts of Parliament, and these latter courts had judges. As far as he could gain information, the number of judges now existing of these several courts competent to preside over courts of an enlarged jurisdiction would be about fifty. The Bill, as it stood, proposed that all these courts should be made permanent, and that the judge now presiding over the court should be confirmed as judge of the court. The effect of that would be to supply judges for fifty or sixty courts, but would leave a large number of courts which it was necessary to establish under this Act without any judge; and these fifty or sixty would be without full occupation for their time. He had, therefore, thought it better, not only for the purpose of securing more competent judges, but for the purpose of diminishing the patronage to be exercised under this Bill, to alter the scheme in this respect, and to appoint the same person judge of as many courts within the neighbourhood of the principal court as he could find time to preside over. That would enable one judge to perform the duties of four or five courts, and would diminish in the same proportion the number of individuals to be selected. In all these courts in which it was proposed to continue the judges, they were appointed under separate Acts of Parliament; and in all these Acts it was provided that their functions should cease after a general measure should have passed. They had no right, therefore, to complain of the operation of this Bill; but they had strong claims to be continued, and in all probability it would be for the benefit of the public that they should continue. The clause, therefore, as it stood, enabled the Lord Chancellor to select those individuals who had presided in these courts to preside in the new district courts to be created by this Act. The effect of this would be, that it would be found there were judges enough of the now-existing courts to take the superintendence of the several districts into which the country would be divided.

Earl FORTESCUE asked whether the judges should be allowed to practise at the bar?

The **LORD CHANCELLOR** said, there was no clause to that effect; but the nature of their duties, having four or five courts to preside over, would make it perfectly impossible that they should practise at the bar. The noble and learned Lord then stated the Amendments he proposed to introduce respecting the appointment of sheriffs and sub-sheriffs, and the regulation of the salaries of the judges. It was as yet very uncertain what the fees would amount to; but he proposed to allow the salary to be made up from fees, the amount not exceeding 1,200*l*. a year for the chief judge, afterwards to be converted into a fixed salary.

Lord MONTEAGLE thought care should be taken, while the salaries were raised from fees, not to allow a vested interest to be created that might be alleged as an objection to fixing the salary afterwards. This had sometimes been the case, and if the fees exceeded the amount of salary, a claim was made for compensation; if they were less, a demand was made upon the public fund to bring them up to that amount.

The **LORD CHANCELLOR** was understood to state that the objection had been provided for.

Lord CAMPBELL said, the noble and learned Lord had very properly extended the standing of the barristers who were to hold office under the Act to seven years; but he thought in that seven years should be included the time that in many cases was most efficiently spent in practising as a special pleader under the bar.

The remaining clauses, with some verbal Amendments, agreed to, and the Report was received.

House adjourned.

HOUSE OF COMMONS,

Monday, August 3, 1846.

Minutes.] New Writs. For Chester, *v.* Lord Robert Grosvenor, Treasurer of the Household.—For St. Alban's, *v.* Earl of Listowel, Lord in Waiting.

New Member Sworn. For Sutherlandshire, David Dundas, Esq.

Public Bills.—1°. Gauge of Railways; Sugar Duties (No. 3); Cheshire Returning Officer; Naval Medical Supplemental Fund Society; Religious Opinions.

2°. Copyhold Commission; Turnpike Acts Continuance; Stock in Trade; Highway Rates; Loan Societies.

Reported. Deodands Abolition (No. 2); Death by Accidents Compensation; Spirit Licenses and Duties; Rateable Property (Ireland); Baths and Washhouses (Ireland).

3°. and passed. Consolidated Fund (£4,000,000); Joint Stock Banks (Scotland and Ireland).

Petitions Presented. By Mr. Buck, from Clergy of the Deanery of Hartland, against the Union of St. Asaph and Bangor, but in favour of the Immediate Appointment of a Bishop to the newly erected See of Manchester.

EVIDENCE BEFORE COMMITTEES.

Mr. J. COLLETT said, he had hoped that the hon. Member for West Gloucestershire (Mr. G. F. Berkeley) would have been in his place; but, although that hon. Gentleman was not present, he (Mr. J. Collett) wished to take the liberty of putting a question to the Speaker. He (Mr. J. Collett) had received the following letter from the hon. Member for West Gloucestershire:—

> "Sir—On Tuesday week I intend to call the attention of the House to the evidence, &c., given before the Game Laws Committee. You will perhaps be in your place to hear any allusion I may make to you.—Your obedient servant,
>
> "Grantley F. Berkeley."

Now, he wished to ask whether it would be competent to the hon. Member for West Gloucestershire to call the attention of the House to evidence that was not published or likely to be published? That hon. Gentleman had written to him, requesting him to be present to answer any remarks the hon. Gentleman might make; but he (Mr. Collett) wished to know whether it would be competent to the hon. Member for West Gloucestershire to call the attention of the House to evidence that had not been published?

Mr. SPEAKER said, when the time to which the hon. Member for West Gloucestershire alluded arrived, he (the Speaker) would be better able to judge whether his remarks were in order or not.

LANDLORD AND TENANT (IRELAND).

Mr. S. CRAWFORD begged to ask the noble Lord at the head of the Government, whether it were the intention of Her Majesty's Government to introduce any Bill this Session for the permanent or temporary protection of the interests of tenants in Ireland; and if not this Session, whether he could state the intentions of the Government as to the proposing of any such Bill next Session? and also to ask, whether any or which of the Irish Bills now remaining on the Orders of the House would be proceeded with? In 1843 he had introduced a Bill for providing compensation to tenants in Ireland, but he had withdrawn it at the instance of the then head of the Government. A Commission was subsequently issued, which, however, did not report until February, 1845. At the close of the Session of 1845, a Bill was introduced into the other House which never reached the Commons; but in the present Session a measure of a similar kind had been brought in by the noble Secretary for Ireland. The people of Ireland had thus been kept waiting for three years, and he (Mr. S. Crawford) was anxious that they should not be disappointed. He trusted, therefore, that the noble Lord the First Lord of the Treasury would speedily introduce this measure. To avoid any delusion upon the subject, he begged to say, that no Bill could satisfy that did not provide for existing interests as well as for the interests of tenants in future. He was also desirous of being informed whether the noble Lord would not sanction a measure for the protection of ejected tenants; if not permanent it might be temporary; and, by a return on the Table, it appeared that on an average of three years the number of heads of families served with notices of ejectment was 30,460, affecting perhaps 150,000 souls.

Lord J. RUSSELL: I thank the hon. Gentleman for putting these questions, and enabling us to state the intentions of the Government. The Government have very seriously considered the important question of the relation of landlord and tenant in Ireland; and no one is better aware than the hon. Member both of the importance and the difficulty of the question, because he has not only brought it forward for the consideration of this House more than once, but he has found that the first proposals he made required considerable alteration and modification. The late Government likewise turned their attention to the subject; and they introduced a Bill last Session, which I believe it was the opinion of the House of Lords could not be beneficially passed into a law; and they likewise introduced a Bill in the present Session, which was put aside by the dissolution of that Government. We have given serious consideration to that Bill, but we have found that there are so many objectionable points in it, that we could not bring it forward with a view to pass it into a law; and, viewing the great difficulty of the subject, we have come to the opinion that we ought not to introduce a permanent measure this Session. The next question was, whether it would be advisable to introduce a temporary measure? Now it seems to me that if we were to do that, in order to provide against ejectment for a certain time, we should really, though not apparently, be precluding Parliament from coming to a deliberate consideration of the whole subject hereafter; for we should find that those temporary provisions would interfere with the legislation that might be hereafter thought advisable, and would give certain rights which it would be almost impossible afterwards to take away. We therefore intend to take the whole subject into consideration, with the view of introducing a Bill in the course of next Session, or rather, I should say at its very commencement. I may say that while we are fully aware that it is quite impossible to introduce any Bill upon this difficult subject which shall not be liable to very great objections, it will be our endeavour to introduce a Bill which shall be liable to the fewest exceptions possible. With regard to the other questions which have been adverted to by the hon. Gentleman, I think the answer will be best given by my right hon. Friend the Secretary for Ireland; and I believe he will state the course we intend to pursue. I beg to assure the hon. Member that the subject to which I have referred, and to which he has given so much praiseworthy attention and labour—a subject that deeply concerns the welfare of Ireland—shall have our best consideration.

Mr. LABOUCHERE, understanding that the hon. Member wished to know what were the Irish Bills at present on the Paper which the Government intended to proceed with in the course of the present Session, begged to state that they were these: the Exclusive Privilege of Trading Bill, the Rateable Property Bill, the Ejectments Bill, the Fisheries Bill, the District Lunatic Asylums Bill, and the Baths and Washhouses Bill lately introduced. There were also several continuance Bills which it would be his duty forthwith to bring in. As to the Leases Bill, he was not able at present to announce a positive determination whether the Government would be able to go on with it this Session. There were various objections to it; but he would state on Wednesday what determination was come to respecting it. It was the intention of the Chancellor of the Exchequer to introduce, in the course of this Session, a Bill for the purpose of strengthening and reconstructing the Board of Works in Ireland. It was with the utmost reluctance that, upon mature consideration, the Government had given up the intention they at one time entertained of proposing several Bills of consequence to Ireland in the present Session; it was not till after grave reflection they gave up that intention, because they thought they could not promote the object they had in view by bringing in such Bills at this time; and he trusted that the House, and Gentlemen connected with Ireland, would not argue from that circumstance that the Government would forego their purpose, or retire from the intentions they had expressed. Early next Session they would propose to the House such measures as they believed would have the effect of improving the condition of the people of Ireland.

THE BISHOPRICS OF ST. ASAPH AND BANGOR.

Viscount CLIVE wished for a moment to call attention to the Bill for preventing the union of the sees of St. Asaph and Bangor, for the purpose of appointing a Bishop of Manchester. As the consent of Her Majesty would be requisite to its discussion, he begged to ask what course the Government intended to take?

Lord J. RUSSELL: With respect to the subject alluded to by the noble Lord, my own opinion would be, that the safest course would have been to abide by the Report of the Commissioners; at the same time I feel that a Bill which has received the consent of the House of Lords, and to which I believe nearly all the bishops agreed, comes with a certain weight of authority into this House, and deserves to be very maturely considered. But I could not agree with the Bill now upon the Table, even supposing that I was prepared to depart from the Report of the Commission. It appears to me that it would not be sufficient and right merely to preserve the dioceses of St. Asaph and Bangor in their present state. What I should have to do would be either to abide by the Report of the Commission, or, departing from it, to consider the question with reference to other circumstances, the state of the parishes in those dioceses, and the boundaries of those dioceses, with a view to better episcopal superintendence. The Bill having been, as I have said, sanctioned by the authority of the other House of Parliament, I am quite ready to give it consideration with a view to these subjects; but the Government have not had time to take it into consideration with that view, and I shall therefore feel it my duty, if the noble Lord persists in pressing it in this Session, to oppose it. If he does not bring it forward now, I can assure him that the whole subject shall receive the most deliberate attention and consideration from the Government, not with a view to see whether a Bill similar to this can be brought in next year, but whether a Bill can be framed with a view to better episcopal superintendence in Wales, and a better arrangement of these dioceses.

Viscount CLIVE would not press the Bill to a second reading this Session, as the noble Lord was prepared to take the whole subject of episcopacy in England into consideration.

Lord J. RUSSELL: A phrase has fallen from the noble Lord which makes it necessary for me to say, that what I propose to consider is not the state of the episcopate in general, but the amount of episcopal superintendence in particular dioceses, with a view to the propriety of abiding or not by the present boundaries of those dioceses.

Mr. HUME would like to know what the Government thought of another Bill about the bishops, the Episcopal Revenues and Dioceses Bill, which stood for a second reading on Wednesday. How it got into the House he knew not, but it provided for the appointment of nineteen new bishops, and set out a list of them in detail, the bishop of Melton Mowbray, and so on.

Sir G. GREY believed that the hon. Member who introduced that Bill (Mr. Frewen) stated at the time that he had brought it in consequence of the Bill of the noble Lord (Lord Clive); and as the latter was not be pressed in this Session, probably no more would be heard of the former. He (Sir G. Grey) rather thought the hon. Member had only wished to place before the House his view of the general subject, if the St. Asaph and Bangor Bill went on.

Sir R. INGLIS had not read the Bill, and he did not believe that the bench of bishops had been consulted upon it, or made acquainted with it. At the same time he was far from deprecating such a Bill, believing some measure upon the subject to be greatly called for by the necessities of the case.

Mr. BORTHWICK did not see why the public money should be expended in printing the schemes which might enter into the heads of hon. Members, but which they did propose to pass into laws. The country felt that there existed considerable need of more episcopal superintendence, and the House would sanction a measure founded on that view, but would never listen to a scheme so preposterous as that just adverted to.

Sir R. PEEL thought it would be as well not to prejudice the discussion upon the Bill; it seemed to have undergone great consideration by the careful selection of dioceses. It was satisfactory to see that the spiritual wants of Melton Mowbray had not been overlooked.

WAYS AND MEANS—SUGAR DUTIES.

The Report of the Committee of Ways and Means on the Sugar Duties brought up. On the question that the Resolutions be agreed to,

Sir R. PEEL said, he did not quite understand one part of the plan laid down by the noble Lord. They were all aware that the duties on the import of several articles of subsistence, and of the first necessity, and on such articles as staves and certain kinds of timber, were greatly reduced by the Tariff of 1842, and that this was done uniformly by imperial legislation. The noble Lord had proposed, and he thought wisely, to make a still further reduction in the duties on other articles of first necessity—they were not many—the duty on wheat flour and several other articles still remained. Now was it not inconvenient that different rules as to those duties should prevail in different Colonies? What he did not understand was, why the noble Lord did not propose by imperial legislation to reduce in 1846 the import duties on those articles which were not reduced in 1842.

Lord J. RUSSELL had no objection to reduce the import duties on those articles of provisions, &c., to which the right hon. Baronet had referred; and he had no doubt the Colonies would be ready to accept such an act of imperial legislation as a boon. It appeared to him that when they said they would introduce the flour and corn of other countries on the same terms as the flour and corn of Canada, and that they would admit sugar from Cuba and Brazil on the same terms as from Jamaica; the colonists were entitled to say that there were articles from the continent of Europe, or from other parts of the world, which they should like to have on the same terms as from England; but, at the same time, they might be of opinion that some differential duty was necessary for the purposes of revenue, just as in this country we had to keep up duties on silk and other articles; therefore, he thought it was better to give the Colonies the power of proposing the alterations of the duties themselves. He thought it better that the Colonies should say for themselves what reductions of duties they would propose, allowing Her Majesty in Council to give her consent to those reductions. He thought that while they were gaining for England all the advantages of free trade, there were none of those advantages which ought not to be conferred upon the colonists; and if they proposed measures conferring such advantages, they would not be refused by Her Majesty's Government.

Mr. HUME observed, that what he wanted was to relieve all the Colonies from imperial legislation on such matters, and to leave them to be judges of their own affairs.

Resolutions agreed to. Bill to be brought in.

ARMY ENLISTMENT.

On the Motion that the Order of the Day for going into Committee of Supply, be read,

Captain LAYARD said, that in again bringing under the consideration of the House this important Motion, of which he had already given notice, he had again to entreat the same kind indulgence and attention that had been before granted him—an indulgence which he felt would be required by the weakness of the advocate—an attention demanded by the goodness of the cause; and he felt that his hope of ultimate success, which had always been a strong one, was much strengthened by the alterations made by the last warrant, dated 13th December, 1845, and which was a strong move in the right direction, and for which he returned his sincere thanks to the late Secretary at War (Mr. Sydney Herbert), and he believed that feeling pervaded the army at large; at the same time he considered it had not gone far enough, and for that reason he meant to press his present Motion. It was no hastily formed opinion that he had come to, that a limited service would materially benefit the army and the country, as by that means, he felt assured, a much superior class of men would be found to enlist, and, consequently, less crime of every description would be committed, but particularly that of desertion—the greatest military crime of which a soldier could be guilty. He thought the best way of bringing this subject under consideration was to follow the plan he had pursued on a former occasion, and divide it under different heads. First, to urge upon them the impolicy of the present system, and the dislike evinced towards it not only by the soldier but by the country at large; and the fearful amount of crime to which it led, and the amount of punishment which consequently followed. Secondly, the arguments which might be brought against limited enlistment, which arguments he felt convinced he should be able successfully to combat. And, thirdly, he should be able to show that a vast saving of expense might and ought to be made, if the plan which he proposed should be followed. Taking into consideration the vast extent of territory, and the millions who acknowledged the sway of the British Crown, and which was not stationary, but even lately had been greatly increased by the hard-won fields on the banks of the Sutlej; when they took into consideration the smallness of the force by which the peace and integrity of that vast empire had to be maintained, it surely could appear to no one an unworthy subject of deep and serious consideration to see if steps might not be taken by which the army, on whom so much depended, might be placed in many respects on a more efficient footing. And when he brought under their consideration the returns which had been moved for by the hon. Member for Montrose, and other statements, the truth of which could not be denied, he felt he should prove to them that it was absolutely necessary that steps should be taken, and that immediately, by which the army might be put on a more efficient footing. Now he begged the House to give him its serious attention to these returns. First, he found that the desertions in Canada, Great Britain, and Ireland, in the years 1842, 1843, and 1844, amounted to 7,537. 4,638 of these deserters had been retaken, or given themselves up; still that left 2,899 unaccounted for, but this was from only one-half of the army of Great Britain; and what a serious expense must have been incurred in the rewards paid for taking those deserters, as well as their committals! The next return showed that from the 1st of January, 1839, to the 31st December, 1843, 3,355 men had undergone corporal punishment. But the most astounding fact of all was, that the return stated, that from the 1st of January, 1839, to the 31st of December, 1843, there had taken place in the army 28,190 committals to imprisonment. The return he held in his hand showed from the year 1840 to the year 1845 the rewards paid for the apprehension of deserters, and the expense attendant on their committal and maintenance in gaol; likewise the expense attendant on the committal and maintenance of all other soldiers during the same period:—

Years.	Apprehension, Subsistence, & Escort of Deserters.	Subsistence of other Soldiers in confinement	Number of Rank & File in each year, exclusive of India.
1840-1	£2,634	£10,364	82,013
1841-2	4,385	10,779	80,970
1842-3	3,959	10,189	84,140
1843-4	2,874	10,213	88,737
1844-5	2,168	11,975	88,261

Now, by this return it was shown, that in those five years 17,020*l.* had been paid for the apprehension, subsistence, and escort of deserters, and that 54,500*l.* had been paid for the maintenance of men in confinement. He (Captain Layard) thought that if he stopped there his case was made out; for who could, after such statements, believe the present system was a happy or beneficial one? Who could believe that a great portion of the men who composed that army had not bitterly repented of their engagement? Who could wonder that the people of this country should have the strongest objection to their sons entering the army? And well they might, for when a man once entered under the present system, he was lost to his family, and seldom could return, except, indeed, with a broken and impaired constitution. Young lads rarely enlisted from a predilection to a military life: that irretrievable and important step was commonly taken from some sudden thought or fit of passion, occasioned by a domestic broil, chagrin, or disappointment, inebriety or want of work, indigence, and perhaps a few were excited to take the shilling—the symbol of enlistment—by the finesse of the recruiting serjeant. Till within a few weeks it had been next to impossible to get recruits in Ireland; but from the fearful visitation that was visiting that unhappy country many had been obliged to enter the army to save them from starvation. Some might figure to themselves in their youthful fancies a thousand occasions of acquiring honour and distinction which never occurred: those romantic hopes made the whole price of their blood; their pay less than common labourers, and on actual service their fatigues far greater. Hurried away by the impetuosity of youth, the recruit was not aware of the consequences of his engagement; and it seemed the greatest anomaly in the law of the country that while a young man was incapacitated from making a will, not allowed to vote, not allowed to sit on a jury, that he should be allowed and be permitted to surrender his liberty for life. On a former occasion he had read to them some extracts from a work on the enlistment, discharging, and pensioning of soldiers, by Henry Marshall, deputy inspector of military hospitals, a work strongly advocating limited enlistment, and dedicated to Sir H. Hardinge, by whom the work was suggested. Now, in that book innumerable instances were mentioned to show the fearful suffering men would undergo in many instances to escape from the service; and he had upon a former occasion quoted some of them. But now he would mention two instances that had lately occurred, and which appeared in the newspapers of the day. The first was as follows:—

"George Hill, a private of the 67th Regiment, now in Dublin, was brought up this morning for examination, relative to the confession which, it will be recollected, he made, that he was the murderer of Eliza Grimwood. Inspector Field, of the London police, was sent to Dublin to take charge of the prisoner. On the passage across, the prisoner maintained the most rigid silence on the subject of the disclosure he had made, and scarcely spoke until he arrived in London. The prisoner, on being brought into court, walked up with an erect and firm step to the place assigned for offenders. He was attired in a scarlet jacket and white trousers, the foraging dress of his regiment. He is rather a slender young man, about 25 years of age, of pale complexion. He betrayed no symptoms of insanity, and seemed perfectly collected. Mr. Traill said, your name is George Hill, and you are a private in the 67th Regiment. Is that right?—Prisoner: My name is George Hill, but I do not admit being a private in that regiment. If I am it is entirely by compulsion, for I abhor the service. Inspector Field was sworn, and stated that he was present at College-street police-office on Monday, 1st inst., when the prisoner was brought before Mr. Tyndal, and a document, of which the following is a copy, was read to him. The document was then handed to Mr. Trail, which was read aloud to this effect:—'The information of Jeremiah Maher, inspector of the B division of Dublin police: Between the hours of six and seven o'clock, on the 21st ult., the man now in custody, who calls himself George Hill, a private in the 67th Foot, was brought to the police-office, College-street, when informant and Constable 181 B were in attendance. The prisoner asked if informant was on duty, and being answered in the affirmative, he asked for pen, ink, and paper, observing that he would show us something that would astonish us. He then stated, I am the man that murdered Eliza Grimwood at a house in the Waterloo-road, about eight years ago. He then proceeded to write on the paper (produced before Mr. Trail) these words—'I am the murderer of Eliza Grimwood, and committed the act by cutting her throat. (Signed) George Hill.' Prisoner was then asked if he had anything more to say, or anything to retract in what he had stated on the subject of the murder. He said in reply he had nothing more to say, and he did not wish to retract anything. The magistrate then asked the prisoner if he still adhered to what he had verbally asserted, and transmitted to paper in his own handwriting.—Prisoner: That confession was made when I was under the influence of liquor, being heartily sick and tired of the army, thinking it the only and best mode of getting my dismissal. I did not look to the future consequences, and must therefore pay the penalty of it. Mr. Trail: Do you mean to assert that there was no truth in the statement made by the inspector?—Prisoner: Everything the inspector stated is correct, and my determination not to retract the statement I had previously made. I will now tell the truth. I retract the words I used as to my being a murderer. I was aware that a murder had been committed upon a young woman, about eight years ago, in the Waterloo-road, and knowing the murderer was never discovered, in the state in which my mind was at the time from the tyranny and oppression exercised towards me in the regiment, I would have said anything to regain my liberty and get away; and so I made a self-accusation of murder to accomplish my object. My abhorrence of a life of a soldier is so great, that I have committed offences since I have been in the regiment with the view of being transported, my hatred to it was so unbounded; and not long since I have suffered six months imprisonment for an act which I committed in the expectation of getting out of the army. Inspector Field said, he had ascertained the prisoner had stolen a watch, and undergone six months imprisonment; had a bad character in the regiment, though a man of superior attainments; that Colonel Bunbury, the commanding officer, had given him every encouragement, and made him a corporal, but that he had been reduced to the ranks. The prisoner was remanded till further inquiries could be made."

Now, here was an instance of a man—certainly, far from a good man—giving himself up as a murderer to escape from a service from which he felt he had no hope of release. Next he wished to call their attention to a case reported in a Glasgow paper.

"On Tuesday (it stated), a private of the 60th Rifles, stationed in Dumbarton Castle, on being relieved from sentry at five o'clock in the morning, attempted to kill himself by placing the muzzle of his gun to his head, under the chin, and then discharged it. The poor fellow was so far successful. He discharged his musket, but did not kill himself. The ball entered at the lower part of the face; but in place of going up through his head, as he had intended, it came out above the nose, leaving the brain untouched; the victim of the rash act was therefore left in life, but desperately wounded—the jaw, the greater part of the tongue, the nose, and indeed the whole face, nearly destroyed. The poor sufferer has been brought to the barracks in Paisley, where the main part of the depot is stationed. He has a good character in the regiment, and is supposed to be one of the many who fall victims to the unnatural system of protracted service which is peculiar to the British army. Despondency regarding the state of his wife and three children is supposed, in consequence of his inability to assist them, to have operated most directly on his mind."

He remembered a circumstance which had happened in India, just before his arrival at Meerut, that three artillery men had gone out and shot a native, had then given themselves up, and said they had done so being weary of their lives, from seeing no hope of leaving the service, and that they trusted they should be transported. However, in that hope they were mistaken, as they were all sent to Calcutta, and hanged. He could bring forward numberless instances of the same kind; but he feared to trespass on their kind indulgence. That the people in this country detested the idea of their children entering the army no one could deny. Who ever heard of a farmer or labourer wishing his children to become soldiers? So far from it, that many instances were on record in which parents had even maimed their sons to prevent the possibility. Suicide he believed to be much more frequent amongst soldiers than amongst men of the same rank and age in civil life. It was stated in a book he had before referred to, written by Mr. Marshall, that the ratio of cases of self-murder amongst the cavalry branch of the service, had been found to amount to one suicide out of twenty deaths, or nearly one annually per 1,000 of the strength. Now he had moved for a return of the number of suicides which had taken place in the army since the year 1840 to the end of 1845. The right hon. Gentleman the late Secretary at War (Mr. S. Herbert) had said it could not be granted, as the suicides and accidents were all placed in the same returns; but he much feared that his statement was only too correct. Sir Henry Hardinge had stated before the Commission on Military Punishment, that soldiers continually maimed themselves to obtain their discharge, or to become convicts, and which every man at all acquainted with the service knew to be the case. For his part, he could not conceive anything more trying to any man when he once began to reflect, than to find he had bound himself for such a protracted time to the exactitude of military discipline. The plan which he was about to propose would afford facilities to a soldier for changing from one regiment to another, after a lapse of a certain number of years. That would be a great advantage, for it often happened that a man who was a bad soldier in one regiment would be a good soldier in another. The difference in that respect was so great, that he could best illustrate it by a statement which he had heard that day from an officer of the 12th Lancers. That officer, in conversation, stated to him, that there was not a man in the 12th Lancers who had ever been flogged. Such a statement reflected the highest credit on the colonel of the regiment (Col. Stawell) and the men. They were, in fact, such a well-behaved regiment, that whenever they left a town in which they were quartered, the inhabitants regretted it, as they feared that the next regiment might not be so well conducted. He knew that it would be argued, that a very considerable expense would be incurred by a number of men abroad requiring to be sent home at the expiration of their service; but if the plan which he proposed were followed, he believed a great saving would take place. Now, the plan which he thought would be the most beneficial, would be to allow enlistment for ten years; that, if the soldier had acted worthily during that time, he should receive his pay for six months after his term: and that, if he re-enlisted within a certain period, he would say two years, and served eleven years longer, he should then be entitled to the old rate of pension, namely, 10*d.* a day if in a sound state of health, and 1*s.* a day if reported unfit for service by proper medical authority; and that if he served longer, his pension should be raised. Now, by the saving of pension to those who did not re-enlist, he conceived so considerable a sum would be saved that it would cover all the expense of sending men home from foreign stations, and enable the Government to give an adequate pension to those who remained. It likewise might be argued, that a large number of men abroad claiming at the same time their discharge, might make the army inefficient; but that might be obviated by taking care that the 10 per cent allowed for India, and the 3 per cent for the other regiments abroad, above the efficient strength, would enable the Government to keep those men at home who were near the period of their discharge; and, as far as India was concerned, most men preferred to remain. The following return showed the number of men who had volunteered to regiments in India, from the last five regiments that had been ordered home from that country:—

Regiments.	Number of men who volunteered to other regiments in India.	
13th Foot...	447	
2d ,, ...	312	
40th ,, ...	421	
57th ,, ...	327	These regiments not yet returned.
39th ,, ...	500	
Total......	2,007	

JOHN MACDONALD, A. G.

Adjutant-General's Office, April 30, 1846.

Now, this return showed beyond a doubt, that a far greater number of men would remain ia India, if they were permitted, and which would be a great saving of expense, and did away with any objection which might be urged with respect to regiments in India. The fact was, that few soldiers who had served in India ever wished to return, their duties being much lighter, and their pay and allowances far better; and he (Captain Layard) thought that he had thus disposed of the most powerful argument that could be brought against him. He knew he should be told how little advantage had been taken by men of limited services before, and which ceased, by order of Lord Hill, in 1829. His answer to this was, that a greater bounty was offered for unlimited than limited service, and that men in that situation seldom calculated upon the future; and it was only after they had been in the service some time, that they began to reflect. It never ought to be the part of any Government to make a hard and cruel bargain with any class of men, however inconsiderate they might be. Now, a new warrant had been brought out by the right hon. Gentleman the late Secretary at War, which was a very great improvement on the last. He (Captain Layard) when with his regiment had explained it fully to the men of his company, and they seemed to think as he (Captain Layard) did, that it was likely materially to benefit their condition. He sincerely thanked the right hon. Gentleman for it, for it was a strong move in the right direction. He felt convinced that the right hon. Gentleman in his heart agreed with him, and that difficulties in other quarters had been the obstacles which prevented his Motion being acceded to on a former occasion. The new warrant said discharge might be obtained—

Periods.	Cavalry.	Infantry.
	£.	£.
Under 5 years' actual service	30	20
After 5 years' actual service, with one distinguishing mark	25	18
After 7 years' with ditto	20	15
After 10 years' with ditto ...	15	10
After 10 years' actual service, with two distinguishing marks............	10	5
After 12 years' actual service, with one distinguishing mark		
After 12 years' actual service, with two distinguishing marks............	5	free
After 14 years' service, with one distinguishing mark		
After 14 years' service, with two distinguishing marks, or	Free, with the right of register for deferred pension of 4*d.* a day.	
After 16 years' service, with one distinguishing mark		
After 15 years' service, with three distinguishing marks, or	Free, with the right of register for deferred pension of 6*d.* a day.	
After 16 years' service, with two distinguishing marks, having possessed the second at least 12 months		

Now this was an improvement on the late warrant, but still it was not sufficient; and he felt assured that it neither would nor could have the desired effect of bringing a better description of men into the service, which he had no doubt might be effected by the plan he proposed. This very year we should want nearly 25,000 men; 12,000 or 13,000 to fill up usual casualties, 10,000 augmentations, 3,000 at least by the war in the Punjaub. How were they to be procured? Employment on the railways prevented that want which generally caused men to enlist; and the present low bounty, the inadequacy of pension, and the length of service, offered no inducement or encouragement for any thinking man to enter into the service. The standard had been reduced; and now recruits were taken at 5 ft. 6 in., and growing boys at 5 ft. 5½ in. That had given some impetus; but there was the greatest difficulty in getting recruits at present, and he believed that difficulty would increase daily. The truth was, as was justly remarked, if England expected men she must give proper encouragement; for few persons were so idiotic as to barter their liberty for a shilling a day, with the prospect of sixpence a day to retire on after twenty-five years' service, provided they could keep from getting drunk, trial by court martial, or their name in the defaulters' book; and considering all a soldier had to encounter, the many masters he had to please, and the stringent duties he had to perform, few indeed could hope to pass through the ordeal unscathed. The consideration of these homely truths formed the principal barrier to recruiting. Now the House would observe what was stated by many gallant and experienced officers before the Commission on Military Punishments. Sir Octavius Cary said—

> "Nothing can be worse than the materials of which the army is composed. I do not mean they are all bad men; but a great proportion are taken from the worst ranks; they enlist from necessity alone."

Sir A. Campbell, who had served forty-five years, said, in reply to this question—

> "Do you think, if the soldier was enlisted for a more limited period, it would tend to promote recruiting?"—"Yes; I found men who enlisted for limited service the best men; and I was always anxious for them to re-enlist: they came from a better class of society."

Lord William Bentinck said, in reply to the inquiry—

> "If giving commissions to privates would improve the description of recruits?"—"All improvements in the service would facilitate recruiting: we should get a better description of men."

He feared he might tire the House; but it was a matter of great moment, and he believed they would forgive his trespassing on their indulgence. His late gallant colonel, Lord Lynedoch, thought enlistment for a limited period well calculated to obtain a better order of recruits, and to remove many causes which led to severe and ignominious punishment, which it was so desirable to abolish. Mr. Fox stated, on the 3rd of April, 1806, that he thought "enlistment for life unsuited to the genius of the Constitution;" in which opinion Mr. Wilberforce entirely coincided. He trusted that the noble Lord at the head of the Government would give his attention to this subject; and, as he had the power, so he would see the policy of altering a system which was both cruel and unjust. Amongst the nations of the earth Great Britain was the only one that enlisted her soldiers for so protracted a period. In France they had a very short period of service; in India a soldier might obtain his discharge after a period of three years, if in time of peace; in America the period of enlistment for the regular army was five years; and in Austria, a very short time ago, they had reduced the period of service from fifteen years to eight years. Many hon. Gentlemen might say they did not understand military affairs, and that they were not prepared to vote upon this subject; but he called upon them not to be run away with by such a fallacious argument. It was not necessary to possess military knowledge; the knowledge that was necessary was that of justice and right; and he besought them to consider well before by any vote of theirs they condemned those who had maintained the honour and glory of their country so gallantly upon all former occasions, as well as lately, under the most severe trials in India, to a hopeless existence. He could not help calling more especially upon those hon. Gentleman who belonged to the profession. He felt it was their duty to take a part in this debate. If he was wrong in the measure he proposed—if it was detrimental to the service—if it was likely to be injurious to the country, why not say so? If they felt it was uncalled for, surely it was their bounden duty to do so, and to state their reasons. But if, as he believed, it would add to the happiness of those brave men who composed our army—if it lessened crime—if it would reduce the expense entailed on the country, why did they not come forward and lend their aid and support to what he believed from his heart to be a good measure? Hon. Members must bear in mind the enormous expense the country was put to by the number of men in gaol, the number of deserters, and the expense attendant on their support, and the extra duty the good men in the army had to perform for those in gaol and absent. Now, the greater part of the desertion took place in Canada; and, happily, we now had settled our affairs most amicably with America, it behoved this country to use every means to do away or alter any system that led to the heinous military crime of desertion. And it was his belief that, should the alteration which he recommended take place, few, if any, men would be found base enough to leave those colours which they had sworn to defend; and he must impress upon the House that this was a matter of great moment. He should now refer to Mr. Wyndham's speeches, and the debates which had taken place on former occasions. A.D. 1806.

Early in this year (3rd of April) Mr. Wyndham, the Secretary at War, brought forward his military arrangements, which had been characterized as being most important in their object, wise in their contrivance, beneficial in their tendency, and, considering the formidable opposition made to them, most creditable to the character of the Administration. The *Annual Register* said—

> "Mr. Wyndham, in his military plan, professes to trust to the simple and obvious expedient of bettering the condition and prospects of soldiers, on the sound and universally acknowledged principle, that, whenever men are wanted for any occupation in society, they may be obtained for that service by holding out to them a suitable encouragement, and in no other way, except by compulsion. He argued that, if we were to have an army by voluntary enlistment, it is essentially necessary to improve the trade of a soldier, and to bring it into fair competition with a sufficient portion of the trades and callings of the lower orders; and till this was done we should be striving in vain in the hopeless task of persuading men to embrace a pursuit in opposition to those motives which usually actuate them in the choice of a profession. To reduce these principles to practice, his plan comprehended an improvement of the pay of a soldier, and a better provision for those persons who were disabled from further service by wounds, infirmities, or age. But the principal change which he introduced into the army, was in the term of the engagements of soldiers. Instead of an engagement to serve for life, he proposed that they should be enlisted to serve for a term of years. According to his plan, the term was divided into three periods, as follows:—
>
> | | First Period. | Second Period. | Third Period. | Total Three Periods. |
> |---|---|---|---|---|
> | | Years. | Years. | Years. | Years. |
> | For Infantry | 7 | 7 | 7 | 21 |
> | Cavalry | 10 | 7 | 7 | 24 |
> | Artillery | 12 | 5 | 5 | 22 |
>
> At the end of each period the soldier should have a right to claim his discharge. If he re-enlisted, and served the second period, he should be entitled to a pension of *5d.* a day for life; and, at the end of the third period, he should be discharged from the army with a pension of 1*s.* a day. Mr. Wyndham's measure met with great opposition in Parliament; and it appears that of fourteen opinions given to the Commander-in-Chief by general officers, seven were in favour of limited service, six against it, and one doubtful. During the discussion upon this Bill, the House was informed by General Walpole that the experiment of recruiting for a limited period had been tried with the best effects to the recruiting service during the American war, and without any of the bad consequences which some of the Members anticipated. This fact seems not to have been known to the Members of the House of Commons."

The amiable and excellent Sir Samuel Romilly spoke in support of Mr. Wyndham's Bill:—

> "The ground upon which I principally supported it was," said he in his diary, "that it was repugnant to the principles of our Constitution that there should exist in it an army composed of an order of men quite distinct from the rest of the community, and who have given up those liberties which are incompatible with military discipline, never to resume them; that those who enlist for a limited period of time continue citizens, and have before them the prospect of once again enjoying their personal liberty and those privileges; that this not only renders the army less formidable to the liberties of the country, but much more formidable to the enemy to which it is opposed. I cited Blackstone, vol. 1, pp. 408, 414. On a division, the question was carried by a majority of 206 to 105, and the Bill was ultimately passed in the House of Commons on the 6th of June. However, in the year 1808 a clause was introduced into the Mutiny Act to permit men to enlist for life, by which means Mr. Wyndham's scheme of recruiting was practically annulled, and many of his plans for improving the condition of the soldier defeated. Shortly after the passing of the Mutiny Act this year, a general order (21st of April) was issued, of which the following was a copy:—'His Majesty has been graciously pleased to direct that men (soldiers) who, under the provisions of the Mutiny Act now in force, enlist into the service for an unlimited period of time, shall, over and above all former bounty, receive the sum of *5l. 5s.*, to be paid on intermediate approval.' Mr. Wyndham's plan of abolishing unlimited service, and making limited service as to time universal, was consequently not in operation for a much longer period than eighteen months. From this date two different sums were specified in the general orders as bounty for recruits, namely, total bounty for recruits—limited service 11*l.* 11*s.*, unlimited service 16*l.* 16*s.*, being a premium of *5l. 5s.* in favour of unlimited service. Consequently Mr. Wyndham's great and enlightened plan for improving the composition and elevating the character of the army became a dead letter, and the old system of life slavery was restored. Henceforward almost all the men who enlisted, engaged to serve for an unlimited period, in fact for life. By the change which was made in the Mutiny Act, permitting recruits to enlist for life, Mr. Wyndham's Bill, as had been already stated, became in a great measure abrogated. In 1810, when a negociation for bringing him into the Ministry was pending, he addressed a friend, and thus stated his opinion of the alterations that had been introduced into the administration of the army. 'I feel,' says he, 'but little stomach to return to office, unless I had a *carte blanche* as to my military plans, and even then the whole is so bedevilled, that there is no restoring things to their original state.' Mr. Wyndham had so proud a conviction of the benefits resulting from his new constitution of the army, as to declare that, 'like the eminent Italian musican who had a piece of music inscribed on his tomb, or the Dutch mathematician who had a calculation for his epitaph, he should desire no other monument, as a statesman, than that system.'"

He had made it his business to consult many officers in the army, and with very few exceptions he had found their opinion coincided with his own, that the proposed alteration would be of the greatest benefit. If subjugation were the only object of Government, it would even then be doubted whether a system of severity would be best calculated for the end proposed; but as duties devolved in addition to its rights, the humblest individual should be made to feel that he received protection as the price of his obedience. Now, Dr. Jackson, who had written on the formation, discipline, and economy of armies, said—

> " Limited service has a tendency to augment the defensive strength of a country, and to promote economical and moral habits amongst the people. Unlimited service, which adds little to the defence of the country, has a tendency to dissipate national sympathies, and corrupt moral character, for, as it separates the soldier from the mass of the people, it alienates him from the interests of his country, and thereby commits him to the will of a military commander as his lord and master for life."

The Governor General of India, Lord Hardinge, whose late valorous achievements in that country had given them all such satisfaction, had stated, in reply to a speech of his (Captain Layard's) made in March, 1842, and in which he had recommended an alteration in the duration of service, that he (Lord Hardinge)—

> " Had, in 1839 introduced a system of allowing soldiers to obtain their discharge at a price in proportion to their length of service; and although it was feared by many officers that the plan would very much disturb the regiments of the line, it was found to operate most beneficially. Speaking from the experience of the last ten years, he (Lord Hardinge) must confess that he agreed with the gallant officer (Captain Layard) that perhaps a shorter period of service might be advantageously introduced. The question was deserving the consideration of Her Majesty's Government."

He wished to know if they could have a better or a higher authority than that. The very fact that the right hon. Gentleman the late Secretary at War (Mr. Sidney Herbert) brought forward upon the last occasion that the desertions happened amongst the recruits generally, showed that it was the long prospect before them that gave them the greatest disgust. The right hon. Gentleman said truly that the private soldier of this country was never better cared for than at the present day, and which was perfectly true except in the most important particular, with respect to pensions. . This very fact would be amongst the inducements to him to renew his term, and was among the reasons why constraint and force were less required to retain him. In an admirable letter, written under the head of " Improvement of the Army," and signed " Greville Brooke," the writer said—

> " If you resolve to regard the army as a refuge for the destitute and desperate, and care not how dissolute its manners may be provided it fights and wins victories, then you had better leave things as they are, for no army can be more courageous than our own. But if you desire to cultivate the moral sense amongst your troops, that you may always be able to calculate upon them after victory, and give additional strength to the attachment which binds them to you, it will be wise to enter at once upon that course of military reform of which Captain Layard has indicated the first steps."

The pre-eminence we enjoyed amongst the nations of the earth was won by arms, and could not otherwise be maintained; for brave nations would never consent to acknowledge as their superior any people that was not ready to draw the sword in defence of that supremacy. Assuredly there were great defects in our military system, and their present mode of enlistment was one of the greatest we had. Now, in this time of profound peace we might have leisure to reform these evils ; but as peace was uncertain, he loudly called upon them no longer to delay a work of such stern necessity. He called upon them for the sake of that gallant army whose exploits in India had lately given them all such subject of congratulation; he called upon them for the sake of their common country, to give this matter their most serious consideration. He (Captain Layard) stated his firm conviction that not only the honour and renown, but the prosperity and stability of the country depended upon some alteration being made in a system so unwise and discouraging as the present mode of enlistment. He felt that no party feeling could have anything to do with this matter; and having done his duty to the best of his humble ability, he begged to move, as an Amendment—

> " That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct inquiry to be made, how far the reduction of the period of service in the Army from the present unlimited term would tend to procure a better class of Recruits, diminish desertion, and thus add to the efficiency of the Service."

Mr. FOX MAULE observed, that his hon. and gallant Friend had stated that it was the intention of the late Ministry to look into the matter. [Captain LAYARD: I said, that I believed such was the case.] Had it been so, he should have imagined that the representative of that department in the late Government would have been present upon that occasion. As to the question itself, he begged to be understood as giving no decided opinion the one way or the other, and as making no pledge to the effect either that the Government would carry on the present unlimited, or adopt the proposed limited system of enlistment. So far, however, as his experience went—so far as he saw of the case, he was disposed to think that his hon. and gallant Friend had drawn a rather too glowing picture of limited enlistment, and that he had described in terms which really did not characterize it, the feeling of the army in reference to the question. His hon. Friend had mentioned as one effect of the present system of unlimited enlistment, the number of desertions which took place in the army. He would ask him, however, in reply, at what period in a soldier's life these desertions most frequently occurred? If they would examine the returns, they would find that the greater number of desertions took place within the first or second year after enlistment. Now, from whence did this arise? Not from any reflection passing in the soldier's mind that he had for ever given up his liberty. On the contrary, he believed that the greater part of these desertions were the fruit of sudden and painful emotions excited in the young soldier's mind by the rough discipline which he was obliged to undergo before he acquired a competent knowledge of his duty. He could quite conceive the effect of a sudden change in habits and way of life, producing a temporary feeling of disgust, which excited the soldier to attempt, by every means, to leave the service. But it was a fact of very frequent occurrence, that many deserters soon voluntarily gave themselves up, and returned to their duty. His hon. and gallant Friend had spoken of desertions in Canada. That was a subject of which he (Mr. Fox Maule) was not ignorant, having himself served in that Colony, and he remembered that the deserters there were generally old soldiers: that they generally relinquished their duty and their ranks on the frontier, and that the exciting cause was generally those large bribes and temptations, principally in the form of grants of land in the United States, held out to them. Such being the case, he must say that the number of desertions would, in all probability, be much the same, whether the length of service were to be limited or unlimited. In either case the exciting cause remained unaltered and unaffected. But it would appear from the hon. and gallant Gentleman's speech, that it was the practice of those connected with the army to treat the soldier as a machine, to try merely to keep him in good working order, without any reference to his comfort or respectability. Now, from his hon. Friend's experience as a regimental officer, he should have known that such was not the case. For years past the most anxious desire had been shown on the part of those concerned in the management of the army to do all they could, not only to secure a good class of recruits, but to make the position of the soldier, while in the service of his country, as comfortable and advantageous to himself and to the community as possible. His hon. and gallant Friend had drawn a parallel between the causes of death in the army and in other professions, and had assumed—on what foundation he knew not—that every suicide which occurred in the army, was to be attributed to the course of discipline, and unlimited length of service it adopted. [Captain LAYARD intimated his dissent.] Certainly, his hon. and gallant Friend contended that these suicides took place from distaste to service for life. He knew absolutely of no ground for such a conclusion. The cases which had been quoted were very far from proving a rule. They were merely isolated instances. But he would be allowed to draw the attention of the House to what had actually been done for the army, with a view of raising it to a higher position, and making more comfortable the station of those who enlisted in its ranks. It was true that all soldiers were enrolled nominally for life; but by the regulations of the army, a graduated scale was in force, by which at certain periods the soldier was entitled to his discharge—the time of service being regulated by the marks of distinction obtained by the individual, or by the rate of discharge he was able to pay. [The right hon. Gentleman proceeded to quote from documents before him the particulars of the discharge scale referred to.] He continued: It could not then be said with strict truth that the time of service was unlimited after all. [Captain LAYARD: The soldier could not claim his discharge as a right.] He would put it to the House whether, except under very particular circumstances—such as the services of the applicant for discharge being at the moment of his preferring the claim urgently required—any person in office would venture upon refusing the request so submitted. The system, then, he contended, was one which held out to the good soldier—he did not speak of the indifferent or bad soldier, but which held out to the good soldier—the prospect of a speedy discharge from the service, should he be disposed to avail himself of it. There were other things which previous Governments, and particularly the late Administration, had effected, which in his opinion went far to remove the evils which his hon. and gallant Friend had complained of. The late Government had, by its warrants, done much for the improvement of the education of the soldier; they had established regimental schools, and had left a plan for the institution of very large normal seminaries, in which sergeants were to be trained for the army, and sent down to every regiment in the service, on a proper footing both as to rank and pay, so as efficiently to conduct education in the army, both with reference to the soldier and the children attached to each regiment. Libraries had also been established on an extensive scale. He believed that there were now not less than one hundred libraries in the British army, containing from sixty-three thousand to sixty-four thousand volumes. They had also established for the soldier in his quarters places of amusement, where he might be induced to spend his time innocently or advantageously. Arrangements had also been made for the inspection of the canteen, as well as for other points, so as to increase by every means the inducements to gain information and seek for amusement in every rational way, so as to make the soldier fit, when he resumed the life of a citizen, to fill the position he would naturally hold in civil society, and return to it a useful member, as well as a well-instructed man. These were improvements which had been made of late years, and which would, he thought, induce the House at least to agree with him that there was every anxiety on the part of Ministers and men in authority, whether belonging to the military or civil branch of the service, to do everything that in them lay to render enlistment for life as little burdensome to the soldier as possible. They were not indisposed to consider the question of enlistment for life itself; but the House would see that that course involved very grave considerations. The proposition of his hon. and gallant Friend was to limit enlistment to ten years. Let him remind the House that the disposition of our army at present was, 24,000 in the East Indies, and 31,000 in our Colonies, making the proportion of the army distributed between the East Indies and Colonies 55,000 men, and that a corps left this country for a term of service of not less than ten years, but on a general average of fifteen years. It was sometimes twenty in the East Indies; but it was ten in the West Indies, and fifteen in Canada; and speaking on the average, the term might be fixed at fifteen years. Here, then, were 55,000 men embarking for foreign service on an average term of fifteen years; so that if we had limited enlistment for ten years, it would be necessary, in future, after the law should have come into full operation, to change the whole of these men, provided they did not choose to re-enlist, once and a half instead of once, as at present. Was that an expense which Government were justified in proposing to the country without more consideration? Gentlemen who looked at the army estimates with an eye to economy, would say whether that was an expense they were prepared to embark in. He was ready to assure the House that there was no question with respect to the army, not even this of limited enlistment, which Government would not consider with the intention of placing the soldier in the best possible condition as to comfort, at the same time not calling on the country to expend more on the army than they possibly could. If Government were willing to consider all those questions, he put it to his hon. and gallant Friend, whether he would think it worth while to press the House to a decided opinion, as he must say they had not sufficient information before them to enable them to come to a fair and unbiassed conclusion.

Sir DE LACY EVANS said, the House must be glad to hear the assurances given by the Secretary at War that Government would bestow every attention on this important subject, and entertained every desire to contribute all in their power to the comfort of the soldier, by giving him better accommodation in his barracks, and holding out inducements to improvement. The establishment of schools was of a recent date: he scarcely knew anything likely to prove of more use; and he might say the same of the libraries which were now supplied. With respect to the statements of the difficulties that stood in the way of limited enlistment, he could not perceive them. He had had himself experience of the inconvenience of very short enlistments; but there was a prodigious difference between that and what was now proposed. The term of foreign service in the East Indies and Colonies was now of excessive length; but why should it be? Several years back Lord Hardinge, when Secretary at War, stated that arrangements should be made by which no regiment should remain out of this country more than ten years; and he regarded an arrangement of this kind as indispensable, however excellent the discipline of a regiment might be. He found by the returns that four-fifths of the effective men in India were ready to volunteer into other regiments rather than return to this country, so that a portion of this difficulty was already obviated. It was said that great inconvenience would be caused by bringing home men from the Colonies at any season of exigency; but by the Mutiny Act power was given to the commanding officer at any station to retain men for six months beyond the expiration of their term; and upon proclamation by the Governor, or certainly by the Sovereign, to keep them for three years, in case of war or any other emergency. He regarded the warrant lately issued from the War Office as very unsatisfactory; for every embarrassment was thrown in the way of the soldier who might be disposed to avail himself of the option of discharge; the object of it was to allow the commanding officer to do a favour to the good soldier who might choose to avail himself of the option; but if all the good were to quit, he would be left with all the bad on his hands. The House and the country were much indebted to his hon. and gallant Friend for the able and generous manner in which he had brought forward the subject, and the luminous proofs he had adduced in support of his views. There was not a shadow of argument against the proposition; all that could be adduced on that side were the relics of some old prejudices. With regard to enpense, he was sure the hon. Member for Coventry would interpose no objection when an object of paramount importance was to be attained. They ought to let the country see that Government would not allow the soldier to sacrifice his freedom for his life; at least, the option of a limited enlistment should be allowed; and he (Sir De Lacy Evans) believed that a term of ten years would be ample. At the end of that time, officers would have the alternative of re-enlisting the men if they were good, or rejecting them if they were bad. Such a change would purify the service, and do much towards rendering it popular.

Mr. BERNAL OSBORNE regretted that whilst the House was crowded when a pension was to be granted, an Officer who brought before it the state of the army should have to speak to a beggarly account of empty benches. He did not think the Secretary at War had made any valid answer to the observations of his hon. Friend; but he drew some comfort from the conclusion, that this was to be one of the questions which the present Government were disposed to leave open. When calls were made for the abolition of the system of corporal punishment in the army, it would be well for the House to recollect that that system had been rendered necessary by the course which the House had thought proper to take with reference to recruitment for the army. In 1799 the pressing of felons for the army was not only legal, but was encouraged by Acts of Parliament; and at the close of last war our gaols and hulks were emptied to supply the army. If Gentlemen were determined on the abolition of corporal punishment, they must be prepared in some shape or other to pay for their humanity, and thus secure a better description of private soldiers. He knew of no better way in which this could be done, than by allowing enlistment for a limited period. It was on this principle that Mr. Wyndham's Motion, in 1806, proceeded, which provided for an augmentation of pay on the renewal of the term of service. He put it to hon. Gentlemen representing the economical interest, that they should stand up in their places and boldly declare that they were prepared to pay a larger sum for the maintenance of the army, in order to carry out the abolition of military flogging. In 1741, Lord Chesterfield submitted a Motion on the subject in the House of Lords; and in 1749, Lord Baltimore brought forward a proposal in that House, that the soldier should be entitled to his discharge after a period of ten years' service, on paying 3*l.*; so that the Secretary at War of that day was far more advanced in his views than the right hon. Gentleman who now filled that office. In connexion with this subject, the number of suicides in the army well deserved consideration. From a return made some years ago by the medical authorities of the army, it appeared that the number of deaths from this cause during seven years, in the Dragoons and Dragoon Guards alone, was 686, thus showing that one in twenty perished by suicide; whereas in 1835, the number of suicides in the whole population of England and Wales was but 1,044. If any cause might be assigned for this excessive proportion, there could be little doubt that this slavery for life, as it was properly called, was intimately connected with it. There was also a larger proportion of military lunatics than of civilians, as might be proved from the returns. A man who enlisted when half drunk was naturally disgusted, on returning to his senses, to find that he had parted with his liberty for an unlimited term; and the operation on the mind was such as to lead, in the case of men of morbid temperament, to suicide or madness. The Secretary at War had endeavoured to enlist the sympathies of the House by taking the economical view of the question. No one could doubt for a moment that the humane view of the question was in favour of a limited period of service; but he went further, and believed that the economical view was also in favour of limitation. It appeared that ninety-five per cent of the army died at the age of forty; certainly not a fair average. The mean duration of a soldier's service did not exceed from ten to twelve years. Look at the expense entailed on the country by the numerous desertions that took place under the present system, amounting in ten years to 53,764. The ordinary annual number of recruits for the army was about 12,000. In the year 1800 the desertions amounted to 5,719; and in 1831 to 2,110. Not a single time of any emergency could be pointed out during last century when the Secretary at War had not come down to the House, and stated that he had His Majesty's permission to allow of discharges after three years' or seven years' service. In the American war discharges were granted after three years; and in the debate of 1806, General Walpole stated to the House that the plan had succeeded in every instance in which it had been tried. Hon. Gentlemen not connected with the army might think that the noble Duke at its head was to be looked to as most capable of forming a correct opinion on this subject. But he (Mr. Bernal Osborne) must say for himself that he distrusted the judgment of military men on such a question. He had the authority of Mr. Alison for thinking that credit should not be given to professional men when they claimed for their judgment exemption from the ordinary rules by which human opinions were tested. Unlimited service formed an exception from the ordinary rules by which human actions were governed. In France, he believed, men were positively forbidden to devote themselves to unlimited military service; and he would ask if anything could be more repugnant to English feeling? He maintained it was neither humane nor economical. He was glad to hear of the intentions of the present Secretary at War; but he knew the obstacles that were frequently thrown in the way of Secretaries at War by the Horse Guards; and unless the power of public opinion were brought to bear upon the question, nothing would be got from that quarter.

Captain LINDSAY said, the total want of the means of education amongst the soldiery was the cause of all the crimes and desertions which occurred in the army. He maintained that normal schools, under efficient masters, were also most essential to a proper amelioration of the present condition of the army; and it was only by such means that the doing away of corporal punishment, and the diminution of crime, could be accomplished. Although the soldier was not absolutely discontented at present with his condition, he could not be, nor was he, satisfied with the long prospect of servitude before him, nor with the ultimate consequences of such prolonged service. Now, at the end of twenty-five years' service, and with good behaviour, he was entitled to his discharge if he wished it, and a pension of *5d.* a day. But, if his period of service reached thirty-two years, he was entitled to 11½*d.* per day. By a former Act, after twenty-one years' service, however, he had been entitled to 10*d.* In his own battalion a considerable number of men who sought their discharge under the Attestation Act, had acknowledged they were induced to do so by the length of the time of service before them. He agreed with a good deal that had fallen from the right hon. Secretary at War, particularly with regard to the fact of desertions taking place more extensively under two years' service than otherwise. With regard to the desertions which had taken place in Canada, he believed these had been caused by the inducements held out by agents from the United States of high wages, and other advantages, which had been never subsequently realized. He would answer for it if the Chancellor of the Exchequer brought forward an increased estimate to give additional comforts to the military, to make their barracks more a home, they would not be found so often resorting to the gin palace for comfort, and their moral improvement would be considerably advanced.

Mr. HUME had endeavoured upon a former occasion to show, that by limiting the period of service, a better class of soldiers, and a more respectable body of subjects, would be introduced into the British army, while fewer desertions would take place. If the term of enlistment were limited to eight or ten years, those who might have hastily joined the service, in a moment of thoughtlessness, would not desert, if they were assured of being able to obtain their liberty in a few years. It was the absence of any hope of a beneficial change that induced them to desert. The opinions of general officers went to show that limited service, and a greater regard to the social and moral improvement of the soldier, were the surest means of rendering him happy and contented. He begged the noble Lord at the head of Her Majesty's Government to take this matter into his most serious consideration, as it was a subject that loudly called for investigation and reform. If they wanted any illustration, he could refer them to the history of Norfolk Island, where it was found that the conduct of those men only was bad who had no prospect of obtaining their liberty. In fact, it was despair that, for the most part, led to those disgraceful scenes which had lately occupied public attention, and the details of which no person could have read without feelings of pain and indignation. If the legislators were the cause of those things, ought they not to look back and see what evidence they had of a better result from some other system? His own opinion of the great majority who composed our army, was that they would be better and happier if they were not subject to that lengthened period of service which had been aptly designated "a perpetual system of slavery." With respect to limited service, he thought that instead of the soldier paying a eertain sum to obtain his liberty, he should be discharged without the exaction of any such demand. Holding those opinions, he would support the Motion of his hon. and gallant Friend; and if he were assured that the adoption of his proposition would effect reforms of so desirable a character, he would still cheerfully support them, even if it were found necessary, in order to do so, to double the estimates required for such portions of the service. He highly approved of the establishment of normal schools, and hoped the day was not far distant when those truly useful establishments would be instituted generally throughout the country, not for the benefit of the soldier alone, but also for that of the people at large.

Mr. BERNAL hoped the hon. and gallant Member would not now press his Motion; for it would be but fair to give the right hon. Gentleman the Secretary at War, and the Government time to consider and digest the details of so important an alteration in the military system. The hon. and gallant Member ought to recollect that the present was but one point in a measure of general reform; for it could not be denied that the state and condition of the British army was forcing itself by little and little upon the consideration of the Legislature and the country. A limitation of the time of service was not the only change required; the necessity for a general revision was gradually forcing itself on the consideration of the Legislature, and would, in course of time, demand and obtain the most deliberate attention, and the most careful investigation. The condition of the soldier, he regretted to say, was in former days, a matter of very little if any concern. It was deemed of little consequence, provided he performed his routine ef daily duty, whether his mind were a blank, and incapable of receiving any impressions calculated to raise him in the social scale. Thank God the day had at length arrived, when the question was not whether it was better the soldier should be a mere automaton, dedicated to a particular object, or a rational being intended for higher and nobler purposes. He hailed with the liveliest satisfaction the prospect that at last appeared to open for the soldier; and he did not entertain a doubt but that when those improvements would be carried into effect, those employed in the service would be rendered as happy and contented, as the service was useful and honourable.

Mr. WILLIAMS thought it unfair that any attack should be made on him by the supporters of the Motion now under consideration, inasmuch as that he had himself supported a resolution to the same effect on a previous occasion. He hoped that in the course of next Session something effectual would be done for ameliorating the condition of the soldier, and administering yet more to his comforts. Some alterations were certainly required in the internal management of the army; but, while he made this admission, he did not wish to be regarded as one of those who considered the present condition of the British soldier at all as bad as some persons would represent it. He was decidedly of opinion that the soldier's condition was superior—very much superior—to that of agricultural labourers in this country, from whom he sprung, and who were his fathers and brothers. However, it was certainly true that the soldier had his grievances. It was to be regretted that there was often a want of consideration with respect to him on the part of officers; and he feared that it sometimes happened that too much authority was permitted to be assumed by the non-commissioned officers. In illustration of this latter assertion, he (Mr. Williams) might be allowed to refer to the case of the private in the 7th Hussars named Mathewson, who, as had been sworn by himself at the late unfortunate inquest, was called to account for having said "Hallo!" to a sergeant. Notwithstanding that he made an apology to the sergeant for having done so, he was taken before the colonel, and because he had ventured to inquire in what way he was to address a sergeant, he was ordered to ordergo a flogging. This was a state of things which could not be permitted any longer to exist. Nobody could be more anxious than he was to see the comforts of British soldiers properly administered to, and their just grievances redressed; and he hoped that his hon. and gallant Friend the Member for Carlow would persevere in his good work, nor relax his efforts until Government had engaged to take the matter into their serious consideration.

Colonel T. WOOD could not concur in everything that had fallen from the hon. Member for Coventry, and felt bound, in justice to the sergeants of the British army, to say that no class of men could discharge their duties with more firmness or consideration. But they could not afford to be familiar with the privates. They must keep up their authority, which would be completely lost if they were in the least to forget themselves. With respect to their power, he begged to remind the House that it was not in the authority of any non-commissioned officer in the British army to inflict punishment on men in the ranks. Non-commissioned officers in the French army, however, did possess this power. With regard to the question now under consideration, all that he would say on the present occasion was, that it did not appear to him that, just at that moment, the House was in possession of proper information to enable them to arrive at a just decision on the matter. The question was one which demanded the most deliberate consideration, and he trusted that it would receive it. Of the Motion at present under consideration, he would only say that if it would have the effect of bringing into the ranks a better class of men than at present, it was one eminently worthy of being supported.

Colonel SIBTHORP felt it his duty to state that it was not judicious on the part of the hon. Member for Coventry to make any allusion to a subject then under judicial consideration. With regard to the question more immediately before the House, when he looked at the condition of the British army, and took a retrospect of what it had done, not doubting but it would always accomplish great things whenever required, he was of opinion that very little alteration would be at all necessary in the way of reform. In fact, the word "reform" was a phrase he did not like. When things were well, it would be wise to let well alone—especially as the present condition and efficient state of the army gave sufficient proof that changes were not necessary. He would then say, beware of meddling with what was well. Being of that mind, he would advise that the affair before the House should be left in the hands of that man who was at the head of the army, who was fully competent to enter into the subject, and who was perfectly willing to do all he could to benefit the soldier and the service. All that concerned both could not be in safer hands. He questioned very much whether the Motion and the discussion it had originated, might not create greater dissatisfaction, and do more injury than benefit to the service.

Mr. CURTEIS had been more than twenty years the decided advocate for the abolition of corporal punishment in the army. With him it was no new theory. He advocated that abolition when it was not the fashion of the day. The statement, however, that was made by the gallant Member opened his eyes more than ever as to the great necessity that existed for a radical reform in the army. He had no idea until he heard that statement that such grievances did exist — grievances which required to be redressed. As regarded the Motion, he would advise his gallant Friend not to press it to a division, as an assurance had been given that the whole subject would come under the consideration of the proper authorities.

CAPTAIN LAYARD, from the assurance given, that the object of his Motion should have due attention, would not press it to a division.

MR. BERNAL OSBORNE would not have thought it necessary to trouble the House with any further observations, were it not that an hon. Member had thought proper in his place in the House to give circulation to certain reports and *ex parte* statements in reference to a gallant Officer (Colonel Whyte). He (Mr. Osborne) felt that he would be wanting in his duty as a Member of Parliament if he did not rise to speak a few words in favour of that gallant officer, who had been most unfairly and unjustly traduced, he (Mr. Osborne) would say by the public press of this country; and he (Mr. Osborne) could only suppose this, that it had been done in ignorance of the rules of the profession of which he was a member. That gallant officer had no more to do with the punishment of that unfortunate man, on whom the inquest was now sitting, than he was called upon by his situation as commander of that regiment to perform. For that punishment the House was responsible, and the Commander-in-Chief at the Horse Guards; and, therefore, it was not fair that this officer should be subjected to those unjust attacks. Nay, it would appear that some papers had gone so far as to justify his murder by the troops; and this was done though he was unable to defend himself, or make any excuse for his conduct. The hon. Member for Coventry had brought forward against him the evidence of a private soldier; but why should they be credulous in receiving the *ex parte* statement of a private soldier of not the best character in the world—one who had served in the artillery, and had been discharged, he believed, for bad conduct? Why should they come forward on such evidence to damn the character of a man who, from the rules of the service, could not defend himself? The press of this country was led to believe that this man was flogged for saying "hilloa" to a sergeant; but every person knew that was impossible. He had committed two or three acts of insubordination, and was brought before the colonel; but in consideration of his being a recruit, he was permitted to go away unpunished. He was, however, brought up again and again for insubordination, and was tried by court martial; and yet the hon. Gentleman stood up in his place in that House, and told the public that he was flogged for crying "hilloa" to his sergeant. He (Mr. Osborne) knew Colonel Whyte to be a man of great humanity, and an excellent soldier. He was the son of a country gentleman. He had not been unfairly put before others, and had no particular interest to advance him, and he felt very much hurt from anonymous letters and productions in the newspapers. He (Mr. Osborne) hoped the House would excuse him for saying that he should not at present press the Amendment of which he had given notice; but he must say that he was not so sanguine as his hon. Friend near him (Mr. Curteis) with reference to the nature of the statement to be made by the noble Lord (Lord John Russell) on Friday evening next.

COLONEL PEEL having read most attentively every atom of evidence on both those courts martial, was of opinion, that instead of Colonel Whyte being a severe officer, he would be found, in regard to this man Mathewson, to have shown the greatest leniency. On the 15th of June, four days previously to Mathewson being tried by court martial, he was confined by the captain of his troop, and reported to the commanding officer for grossly disrespectful conduct to the captain of his troop. The commanding officer pointed out to private Mathewson the impropriety of his conduct, and stated that his repeated insolence would bring him to punishment. He then said that Mathewson was only a young soldier in the 7th, and that he would not punish him this time, hoping that his words would act as a warning, but that his crime would be blotted out, and no record of it remain against him. He (Colonel Peel) should not then trouble the House with any further observations on the question; but he begged to inform the House, that it was his intention on Friday evening to enter more fully into the subject.

MR. FOX MAULE thought it would be far preferable to carrying on the discussion at that time, that the conversation should be dropped for the present. He was not at all surprised at the statement of his hon. Friend (Mr. Osborne), who had brought forward the question, nor was he surprised at the anxiety that had been shown to defend the conduct of Colonel Whyte, and to do away with much of what had been said in reference to him. He (Mr. Fox Maule) was most anxious to do justice to Colonel Whyte; but he thought it was better to let the conversation drop for the present, and when the proper opportunity arrived the question could be discussed.

Mr. WILLIAMS said, he had only stated what had been deposed to by the man Mathewson before the coroner's inquest. That was a court of inquiry of the highest importance; and if a man came forward, and stated before that court what was untrue, that statement should receive an instant contradiction. He (Mr. Williams) did not at all impute anything to Colonel Whyte, but merely stated the case as it had appeared in the newspapers, and as given in evidence, he believed, word for word. He said, supposing such case to be true, that some change ought to take place in the internal management of the army.

Mr. MONTAGUE GORE must say, that putting aside all opinions he might entertain with respect to what should be the punishment in the army, and merely looking to this particular case of Colonel Whyte, he thought he had been most unjustly treated, for he was only carrying out that system which he was bound to do: that system might be right, or it might be wrong, but with respect to this individual he thought he had been unjustly treated; and whatever opinion he (Mr. Gore) might entertain on the general question, he felt that with respect to Colonel Whyte he would be unworthy of a place in that House if he did not say that Colonel Whyte could not avoid acting as he had done, and that imputations had been cast upon him which were quite unfounded. He thought that sufficient attention had not been paid to the fact that Colonel Whyte was bound to do what he did, and he would be guilty of disobedience if he did not take the course he had taken. He (Mr. Gore) was of opinion that Colonel Whyte was a man of great humanity and high principles of honour, and he would bear his testimony publicly of the sense he entertained of his gallant and manly conduct, and he had merely acted according to the rules of the service.

Mr. P. HOWARD heard with great satisfaction the Government expressing its determination to diminish the severity of corporal punishment. Even a nation not very celebrated for the mildness of its punishments forbad to give more than forty stripes, save one. He was quite sure that any diminution in corporal punishment would be hailed with gratitude by the English people. He also was glad to hear the gallant officer exculpated from the charge of any act of peculiar severity; and while he regretted the unfortunate circumstance that had occurred, yet the public attention which it had attracted might be of great importance to the service.

Amendment withdrawn. Main Question agreed to.

THE CARNIVAL AT MALTA.

Order of the Day for Committee of Supply read. On the Question that the Speaker do now leave the chair,

Mr. HUME was sorry to interpose a word before the Speaker left the chair, but there was a question so long before the House that he was unable longer to delay it. He also felt that unless he did bring it forward at the present moment, he might not have an opportunity of bringing it forward at all. Early in the month of March he submitted to the House a Motion, because he thought it better to have a return of certain documents from Malta, stating the facts with reference to what took place, rather than rely on private information he had received. The documents were now before the House, and their substance might be briefly stated. He did not think the House could pass it by without receiving from the Government some assurance whether it was by their countenance the Governor had interfered with the privileges of the people of Malta. Since the accession of the Colony to England, certain, he might call them innocent, amusements had been practised; and there had been no instance during forty-five years in which an interruption took place during the four days of the carnival, until this interruption by the present Governor. There was an impression that this interposition was an attempt to interfere with the Catholic religion, or to proselytise, and therefore it was that he wished to bring the matter before the House. He was sorry to say that the correspondence which he held in his hand was anything but satisfactory; and some of the statements in it were by no means consistent with the statements made to him, and which he believed to be true. It said that before he (the Governor) attempted to put a stop to the proceedings of the carnival, he heard it would be satisfactory to the Catholic bishop and the respectable portion of the community. He had a letter from some respectable parties there, stating that no such communication had been made. He believed, and was willing to allow, that it was an act of thoughtlessness; he would say at the same time that there were circumstances which rendered it of great importance. Those who looked back to the state of Malta when the Marquess of Hastings governed that island, must recollect the circumstances that then occurred there, and that a court martial was summoned by him to try two officers, Captain Acheson and Mr. Dawson, for refusing to perform what they conceived to be improper honours to Catholic ceremonies. When they received orders to fire salutes in honour of some Catholic ceremonies, they refused. The Government of the day considered that they were bound to do so, in obedience of orders as soldiers, and the court martial cashiered them; and he (Mr. Hume) well recollected that in that and the other House every effort was made to have those officers restored, but they never were restored. It was stated at the time —and he believed the Duke of Wellington expressed himself more strongly than any other person—that any interference in that island with a religious ceremony would be highly improper, and they said that no Government ought to countenance it; and when Sir Patrick Stuart acted as he did on the 14th of February, and intimated to the head officers of police that the ceremony of the carnival should not take place on Sunday, as had been the custom for forty-five years, he thought that was an improper interference. It was said that the Protestant bishop had improperly stated on a public occasion, that before long he should have so much influence as to prevent the continuance of such amusements, or any of those ceremonies. That was considered to be a proof that his influence had effect, and that the Government was acting against the Catholics with a view to giving to the Protestants a power over them. This, he believed, had tended to produce the excitement that took place. He thought that the manner in which the Catholic population of the island had conducted themselves under the circumstances of the case, was highly creditable to them. He must, however, admit one circumstance. When they were prevented proceeding with their masks, and under the feeling that the Protestant bishops and others wished to put down the Catholic religion, it was true that a number of persons dressed as clergymen of the Church of England, had carried before them a wooden bible. In doing this they wished to show the Government that they were dissatisfied at the attempt made to put down their religious ceremonies. The Governor alleged, in one of the documents which had been printed by order of the House, that the reason he was induced to resort to the step which he did, was in consequence of representations and memorials presented to him. Now, he had sent to Malta to get an explanation on this point, and he was positively assured that no such application had been made; and the people of Malta challenged the Government to produce any such memorials. As the name of the Catholic bishop of Malta had been made use of in the Papers on the Table, he was authorized to state that that dignitary denied that he authorized or assented to any step of the kind for altering the ceremonials of the carnival. He (Mr. Hume) thought that the course resorted to was extremely dangerous, and consequences might have resulted which all would have deplored. He was happy to find that, however much might have been apprehended, no riots took place. It appeared that the Governor gave orders to seize all parties who assembled on the day of the carnival in masks. It was stated in the papers that a high officer in Malta, on being made acquainted with the order, went to the Governor to urge him not to interfere with the ceremonies; but he was unsuccessful. Orders were then given to the police to clear the *plaza*, and two companies of soldiers were ready to assist, if their services were required. On this being done a great ferment was caused, with cries, and hissing, and hooting, such as would take place with a mob in this country, but not more than any one would expect. On this occasion between twenty and thirty men of respectable character were seized and carried to prison, and kept there without being allowed to communicate with persons outside for upwards of twenty hours. The petition which had been presented on this subject was signed by 719 persons, who stated that they were prepared to prove all the facts of the case stated by them. He conceived that this was a question which the friends of civil and religious liberty should look to. He was sure when his hon. Friend the Under Secretary for the Colonies looked into the subject, he must condemn the proceedings; and he trusted that the Colonial Office would take steps to prevent any such occurrence for the future.

He could not help condemning the answer of Mr. Gladstone to the memorial which had been presented to him, as well as the letter which he wrote to the Governor, Sir Patrick Stuart. From the Papers on the Table, it appeared that the Colonial Office did not receive any explanation of the proceeding between the 27th of February and the 20th of May. He called upon the House to take steps to secure the rights of the people of Malta for the future; and he hoped that it would concur in the Resolution which he should propose, and thus convince Sir Patrick Stuart, or any other Governor of the Colony, that he must treat with more temper and prudence the rights of the inhabitants of our Colonies. He could not help expressing his regret at the letter signed "Grey," dated the 16th July, on this subject, in which that noble Lord stated that he concurred in the view taken of the matter by his predecessor, and that the memorialists must regard the answer which they had previously received as an answer to the further remonstrance, and that he could not hold out to them any prospect that such a change as they called for would be introduced in the future government of the Colony. He (Mr. Hume) hoped sincerely that this letter had been hastily written, and without any reflection. As illustrative of this subject, he would refer to the ordinance recently issued by the Emperor of China, allowing the public exercise of the Catholic and Protestant religions in that country. We were accustomed to call the Chinese barbarians; but what a contrast did this proceeding on their part afford with the conduct of the Governor of Malta in this case! The hon. Member concluded by moving as an Amendment, to leave out from the word "That" to the end of the question, in order to add the words—

> "That, in the opinion of this House, and according to the Correspondence laid before it, relative to the proceedings in the Island of Malta during the Carnival Holidays in February last, the conduct of the Governor and of the Magistrates acting under his orders, in the interference with the long existing usages of the inhabitants of that Island, amount to an infraction of the rights and privileges guaranteed to the Maltese by the capitulation under which they originally became British subjects, and are also contrary to the true principles of civil and religious liberty."

Dr. BOWRING, in seconding the Motion, said that he considered that his hon. Friend had brought forward the subject in a spirit of justice and moderation. The House should recollect that the Maltese had no representative body; and although they had often asked for some share in the administration of their local affairs, it had always been denied to them. The feeling of the people of Malta was, that this proceeding was resorted to with the view of humiliating the Catholic religion; and it should be remembered that nearly the whole population of the island were Catholics. In one of the despatches laid on the Table, Mr. Gladstone very properly expressed his surprise that there should be such an interference with the ceremonies of the Roman Catholic religion, without the Catholic bishop, or some other dignitary of that church, having been consulted by the Governor. These ceremonies had been continued at the carnival without interruption from time immemorial, and had been sanctioned for forty-five years by the British authorities; and they had been ordered on the sudden to be put a stop to by a notice stuck up by the police. The people felt that the Protestant Government had interfered with the view of putting a stop to the ceremonials of the Catholic religion. It was notorious that nothing was so likely to lead to fatal consequences as the unnecessary interference with the religion of a people. In common with his hon. Friends around him, he had read with the most intense regret the letter of Earl Grey. The petitioners had come with grievances to the Government; but it appeared the Government were not willing to take them into consideration. The question would, however, he hoped, be reconsidered. The inhabitants of Malta had suffered much, and had suffered long. They were remarkable for their allegiance, and it was time that a patient hearing should be given to their grievances. He had great satisfaction in seconding the Motion of his hon. Friend.

Mr. HAWES said, his hon. Friend the Member for Montrose stated, in commencing his speech, that he should confine himself almost entirely to the consideration of the disturbances that had taken place on the 22nd of February last; and, in imitation of that conduct, he would also limit his observations principally to these transactions, and not enter into the more general question broached by his hon. Friend who had preceded him. When he came to state the facts connected with these proceedings, he was sure the House would agree with him in thinking that the representations made to his hon. Friend were accompanied by a great deal of exaggeration. His hon. Friend seemed to imagine that masking on Sundays, which was the sole origin of these disturbances, was the law and usage of the people of Malta. He should beg to assure his hon. Friend that such was not the law, but that, on the contrary, annual licenses were granted by the Government permitting the practice to take place. The matter was thus left to the discretion of the Governor. These maskings on Sundays had been accompanied by some indecencies and improprieties, and complaints had in consequence been made against them to the Governor, both by Protestant and Roman Catholic clergymen. Previous, however, to any interference with the practice, the Governor consulted some of the heads of the Catholic clergy, and obtained the assent of the vicar-general to the measures which were necessary to put a stop to it. Eight days before the Sunday on which the masking was to take place, namely, on the 14th of February, the Governor published the notice through the police, and during these eight days not one single remonstrance was made against it. The conclusion which the Governor would naturally come to was, consequently, that the notice was acceptable to the people of Malta, or at least to the better-disposed portion of them. He held in his hand a letter which he had received from the Governor of Malta, in consequence of a communication which he had made to him on the subject. The hon. Gentleman read the letter, which was to the effect that an intimation had been made to the vicar-general of the intention of the Government; and his reply was, that the measure was a wise one—that all right-thinking persons, whether clergymen or laymen, would approve of it—that masking was not permitted in Rome on that day—and that the example of Rome ought to be followed in Malta—that he would answer for its being well received in the villages, though it might be resisted in the town by a few low and dissolute persons. It thus appeared that the Governor had been asked by both Protestant and Roman Catholic clergymen to take this step, and that it had the approbation of the Roman Catholics through their vicar-general. On the 22nd, however, a few persons —and they were but a few—attempted to contravene the order of the Government. When the troops were beating their retreat, or withdrawing to their barracks, the mob began to assail them, and actually did assault some of the soldiers. The latter, however, did not interfere or take any part whatever in the proceedings which followed. The police alone were called out, and without any weapons whatever, save the ordinary constables' staves, dispersed the crowd, and the amusements of the evening went on afterwards as if no interference had taken place. Some of the persons who had been engaged in these disturbances were arrested and committed to prison; but from the punishments inflicted upon them, it would appear that their offence was not considered to be a very grave one. Of twenty-eight persons who were arrested, one was sentenced to fifteen days' imprisonment, two were fined two dollars each, and the rest were discharged. It could not be alleged that any undue interference had taken place with the magistrates who heard the case, or that they had administered the law unfairly. No interference had been attempted with the civil or religious rights of the people of Malta, and there was certainly no intention of giving any offence to their feelings. His hon. Friend the Member for Bolton had brought forward the subject of a memorial, in which other matters were alluded to, and in which the parties sought to be allowed to have the whole control in civil matters vested in the people. He did not think, however, that any one could regard Malta—a little island with 120,000 inhabitants, the greater part of whom were extremely poor, and the chief importance of which consisted in its position as a military station—in the light of an ordinary Colony.

Mr. V. SMITH thought they were much indebted to the hon. Member for Montrose for bringing this subject before the House. The noble Lord the First Lord of the Treasury had stated that, if free institutions could not be given to all the Colonies, they could, at least, have free access to the Colonial Office. In the same manner it was of importance that they should have access to the Members of that House, and therefore he was glad that the subject had been brought before them. Of all the places under the British Crown, there was perhaps none where there should have been exhibited less of the appearance of a suppression of Catholic ceremonies as in Malta; the great majority of the inhabitants were Catholics, possessing about 200 churches, with 900 priests, and the whole supported entirely from funds supplied by the people themselves; the conduct of a Governor towards such a people in a matter connected with their religion ought therefore to have been peculiarly circumspect. In this instance had Sir P. Stuart made known to the people that it was the wish of a high Catholic authority that the ceremony should not be proceeded with, it would have been attended with great advantage; but that fact was not known. It was not known in the country, and therefore it was supposed he had acted with great indiscretion; and though the case was much altered by the statement of his hon. Friend (Mr. Hawes), yet at first it did appear on the face of what they knew, that the Governor had improperly attempted to put down this Roman Catholic ceremony. He was much astonished that such a thing should have occurred under any British governor, and still more astonished that so little had been said condemnatory of it by the Government at home. In a despatch of the 15th of June, all that Mr. Gladstone prescribed to the Governor to say to the Memorialists was to point out the points wherein they were wrong; and then he proceeded to state to the Governor himself wherein he was wrong; but he did not say whether the ceremony of Sunday masking was to be allowed in future. Now, what he found fault with the Governor was, that he had interfered with the usages of the people; and he found fault with Mr. Gladstone's despatch, because he had not communicated in it to the memorialists whether the ceremony was to be permitted in future or not. This would, in all likelihood, lead to great doubt and excitement, and probably confusion, hereafter. As to the mode in which the governor dealt with the riot, he must say, that after it had been allowed to begin, he could see no way in which he could have put it down with greater mildness. The present discussion, he hoped, would be productive of considerable benefit; and he considered it would not be without its use if it led to greater discretion on the part of the Governor.

Mr. EWART thought the simple intimation on the part of the Governor, that he had the sanction of a high Catholic authority to stop the procession, would have been attended with the best results, by the removal of much bad feeling. The Maltese ought to have a representative government; and it would be impossible to allay discontent there unless they had such a Government. If they were treated fairly, they would be more faithful and more loyal.

Sir D. L. EVANS said, his hon. Friend (Mr. Hawes) had done the most he could for the Governor, by saying he had the sanction of the Roman Catholic authorities. But did the Roman Catholic authorities or the Governor take the initiative? Had any disorder occurred before? [Mr. Hawes: Yes. A number of complaints had been made, both by Protestants and Roman Catholics.] He admitted that Malta was not to be considered as a Colony; it was something of the nature of a fortress; and it was to us of great importance to maintain a good feeling amongst the people towards their Governors. Although they might not be ripe for a representative government, yet they might have municipal institutions.

Mr. BORTHWICK observed, no misunderstanding could arise upon the opinion of the Secretary for the Colonies, or the Under Secretary; but he held a very different opinion as respected the letter written by Mr. Gladstone upon this business. That document appeared to him actually "dark from excess of light." The letter could not be understood. Each sentence contradicted the sentence which preceded it, and every member of a sentence did the same. No part or portion of this letter was grammatically constructed, and therefore if the Governor of Malta did not understand its directions, some excuse existed for him. But regarding the circumstances as they occurred, the question came, what were religious observances? A religious observance was said to have been disturbed. Masking was no religious observance surely, and therefore he did not see why the Governor should not have had the right to put this masking down. As the matter had stood, it really did not appear that, previously to that evening, any communication had taken place on the subject, and therefore he could not think the Government blameable for not stating that communications had been made. At any rate the discussion would do good, for it would manifest to the people of Malta, that on the part of that House and on the part of the nation also, no wish existed to interfere with rights, customs, or immunities which they, the Maltese, had held.

Mr. B. ESCOTT was at a loss to know whether the hon. Member (Mr. Hawes) intended to oppose the Motion or not. The hon. Gentleman had said, he saw no infringement of civil liberty in the proceedings. He maintained that both civil and religious liberty were infringed by them. [Colonel Fox: No!] The hon. and gallant Member said "No;" but were the people not prohibited from meeting? were they not taken up by the police for meeting? were they not imprisoned for meeting? and were these not infringements of civil liberty? He repeated that it was an infringement both of civil and religious liberty on the part of those who dared to interrupt the people in their peaceable proceedings. A great deal too much stress had been laid upon one circumstance connected with this inquiry. It was very true that it would have been much more discreet if the Governor had obtained the sanction of all the Roman Catholic authorities before acting as he had done. He had obtained the sanction of the vicar-general; and the hon. Gentleman (Mr. Hawes) had argued from that that he was justified in some degree—though he had not ascertained, from what the hon. Member had said, in what degree—in the proceedings complained of; but he denied that either the vicar-general or the archbishop had a right to authorize the putting down of a practice which had been carried on for thousands of years. [*Laughter.*] Hon. Gentlemen might laugh; but really it was something new to him to hear such proceedings sanctioned by the hon. Gentleman sitting opposite to him. He regretted that Lord Grey had sanctioned Mr. Gladstone's despatch. The hon. Member for Evesham had criticized the composition of that despatch, and stated that the composition of Earl Grey would stand in favourable contrast with it. He wished that Earl Grey's conduct had stood in favourable contrast with Mr. Gladstone's, which would have been of more consequence. In conclusion, he hoped that the hon. Member for Lambeth would not call upon the House for a division; but would admit that, though he had made the best defence he could in the circumstances, the interference complained of was one which ought not to be sanctioned, and that the sooner the House of Commons condemned it the better.

Mr. P. HOWARD thought it would be more prudent if the hon. Member for Montrose would withdraw his Motion. The people of Malta must feel, from the general tenor of this debate, that great consideration had been shown for their feelings. It was, however, rather unfortunate that it had not been announced to them that their religious guides had been consulted. However, the people of Malta would now learn from the announcement of the Under Secretary of State for the Colonial Department, that their vicar-general had been communicated with, and that he gave his sanction to the suppression of the proceedings. The vicar-general officiated in consequence of the age of the archbishop, who was the highest ecclesiastical authority in the island. As a general rule, he must, however, say that if Parliament were not ready to grant high civil immunities, they should be very cautious in suffering any interference with those ancient amusements which had so long existed. It was hard to condemn the past policy of the Governor of Malta upon this isolated act; but he hoped that person would be more careful and prudent in meddling with what, after all, was but a harmless and simple usage. He was sorry that his hon. Friend the Member for Winchester had infused into this debate a more angry tone than previously pervaded it. The hon. Member for Montrose had always been, as he (Mr. Howard) hoped he would continue to be, the friend of civil and religious liberty; but he thought it was useless for his hon. Friend to press the Motion to a division, and therefore he hoped he would withdraw it.

Mr. FOX MAULE said, that before they came to a decision, it was right that the House should understand what would be the result of carrying the Motion of the hon. Member for Montrose. The effect would be to censure the conduct of the Governor of Malta. He trusted, therefore, that the House, before coming to a decision, would bear in mind the circumstances of the case. The practice of masking on Sundays at the carnival was one which, to render it legal, required the annual sanction of the Governor. The Governor stated, that the people of Malta had been recommended to abstain from that custom from the pulpits of Roman Catholic churches; and they were recommended particularly to abstain from it on the last Sunday of the carnival, when one of the most sacred ceremonies of the Roman Catholic Church was performed, namely, the exhibition of the Host on the altar. The Governor knowing this fact, consulted the vicar-general, and that dignitary having said that the measure for preventing it was one of which all wise and right-thinking men would approve, he accordingly refused his sanction to this masking, not a refusal to walk in procession if they pleased, but a refusal to permit them to do so in masks on Sundays. Under these circumstances he asked his hon. Friend whether he would persist in a Motion, the object of which was to condemn the Governor for conduct perfectly justifiable, which the respectable portion of the Roman Catholic population of Malta would bear him out in pursuing again?

Mr. CRAVEN BERKELEY hoped his hon. Friend would press the Resolution to a division, because the conduct of the Governor deserved censure. If he had been supported by the Roman Catholic authorities, he might not, in that case, have been blameable; but as the matter stood he was much to blame.

Mr. MACARTHY remarked, that although the Governor had consulted the Roman Catholic authorities, that fact did not appear, until very recently, to be known either to the late or the present Secretary of the Colonies. From his knowledge of Malta, he suspected there was more interference with these ceremonies than now appeared before the House. Masking might be objectionable; and if it were, it might be put down by the proper ecclesiastical authorities; but he believed there had been an indirect interference with the Roman Catholic religion. He would relate a fact: in a college there the professor wished to have a Roman to teach the Italian language to the pupils; the Governor, however, refused to allow the Roman to be introduced, but insisted that if the Italian language were to be taught, it should be taught by a British subject.

The CHANCELLOR of the EXCHEQUER thought it was hardly fair to the Governor of Malta for any other question to be introduced than that which was the subject of the discussion. The introduction of a Roman to teach the Italian language had nothing to do with the conduct of the Governor upon this particular occasion; but if it had, a person to be in that situation must by law be a British subject, consequently the Governor could not do otherwise. The hon. Gentleman (Mr. Macarthy) talked as if there was a settled design to put down the Roman Catholic religion in Malta; but nobody who had read the Papers on the Table of the House could for a moment suppose anything had been done that had the slightest tendency to disturb that religion. The Governor was acting in perfect concurrence with high authority in the church; and to suppose they would do anything to discourage the Roman Catholic religion was repugnant to common sense. Gentlemen seemed to mistake the common use of words. What had the Governor really done? A portion of the lower population of Malta had been in the habit of masking upon a certain Sunday—a practice which was not sanctioned by ecclesiastical authority elsewhere; and in order to enable them to mask, it was necessary to obtain the previous leave of the Governor. But that leave was not given at all, because the Governor was acting in concurrence with the Roman Catholic authorities. Yet the lower classes of the population— [Mr. Hume said, the parties who complained were the most respectable people in the island.] He apprehended the Governor was the best authority on this subject; and he stated that the most respectable portion of the population approved of what he had done. He (the Chancellor of the Exchequer) was justified, therefore, in saying that only a certain portion of the lower classes complained. The Resolution of his hon. Friend would grievously reflect upon the Governor of Malta; and if it were agreed to, upon the grounds which were alleged, it would be most unjust.

The House divided on the Question, that the words proposed to be left out, stand part of the Question:—Ayes 50; Noes 12: Majority 38.

List of the Ayes.

Anson, hon. Col.
Archdall, Capt. M.
Berkeley, hon. Capt.
Boldero, H. G.
Borthwick, P.
Bowes, J.
Broadley, H.
Brotherton, J.
Buller, C.
Cardwell, E.
Cowper, hon. W. F.
Craig, W. G.
Davies, D. A. S.
Dickinson, F. H.
Dundas, Adm.
Ebrington, Visct.
Evans, Sir De Lacy
Ferguson, Sir R. A.
Fox, C. R.
Gardner, J. D.
Gibson, rt. hon. T. M.
Gore, M.
Goulburn, rt. hon. H.
Greene, T.
Grey, rt. hon. Sir G.
Grogan, E.
Hamilton, W. J.
Hawes, B.
Henley, J. W.
Howard, Sir R.
Jervis, Sir J.
Labouchere, rt. hon. H.
Le Marchant, Sir D.
Lindsay, hon. Capt.
Maitland, T.
Maule, rt. hon. F.
Morris, D.
Neville, R.
Palmer, R.
Palmerston, Visct.
Parker J.
Pigot, rt. hon. D.
Rutherfurd, A.
Sheil, rt. hon. R. L.
Somerville, Sir W
Ward, H. G.
Wawn, J. T.
Wood, rt. hon. C.
Wortley, hon. J. S.
Wyse, T.

TELLERS.
Hill, Lord M.
Tufnell, H.

List of the Noes.

Arundel and Surrey, Earl of
Berkeley, hon. C.
Bridgeman, H.
Duncan, G.
Escott, B.
Ewart, W.
Forster, M.
M'Carthy, A.
Mitcalfe, H.

Norreys, Sir D. J.	TELLERS.
Thornely, T.	Bowring, Dr.
Williams, W.	Hume, J.

Main Question again put.

INCREASED EXPENDITURE.

Mr. W. WILLIAMS then rose to complain of the increased expenditure occasioned by the enormous increase of late years in our naval and military establishments. The Expenditure for the Army and Navy this year amounted to 16,840,000*l.* which was 5,181,000*l.* more than it was in 1835. Since that period the increase of men in the army and navy was 65,041. He trusted that the Government would give a pledge that they would revise the whole of these establishments. Taken altogether, including the Irish constabulary, the yeomanry, and the militia, our military force amounted to 274,000 men. He hoped Government would take the subject into consideration, and make great reductions in the whole of the Estimates.

The CHANCELLOR of the EXCHEQUER observed that Her Majesty's Government would not propose a single item which they did not feel themselves justified in proposing.

House in Committee.

Several Votes were agreed to.

House adjourned at a quarter past One.

HOUSE OF LORDS,

Tuesday, August 4, 1846.

Minutes.] Public Bills.—1ª· Consolidated Fund; Joint Stock Banks (Scotland and Ireland); Cheshire Returning Officer.

2ª· Ecclesiastical Patronage; Burial Service (No. 2); Art Unions; Marriages (Ireland) Act Amendment.

Reported. Newfoundland; Militia Ballots Suspension; Ordnance Survey.

Petitions Presented. By the Bishop of London, from Dalkeith, for the Better Observance of the Sabbath, and against the Sale of Intoxicating Liquors on that Day.—From Commissioners of Supply of the County of Stirling, against the Joint Stock Banks (Scotland and Ireland) Bill.

THE BISHOP OF EXETER AND BISHOPSTOWN CHAPEL.

The Earl of RADNOR said, that he had given notice of his intention to make some remarks on the statement made to their Lordships relative to the conduct of his noble Friend the Duke of Somerset, who was unable to attend in his place. The attack had been made upon the noble Duke without any notice, and he had therefore had no means of answering it himself, or of asking any Friend to reply to it. The charge made against the noble Duke was for violating an express engagement with respect to the endowment of the chapel at Bishopstown; and the history of the transaction was this: The Duke of Somerset had considerable possessions in the county of Devon, in part of which there was need of additional church accommodation. In the course of the year 1832, the Duke of Somerset built this chapel for the purpose of accommodating the population. It was complete in the spring of that year, and was inspected in the course of the summer by the Duke and the Bishop of Exeter. Some communication took place between them as to the consecration and the intention of the Duke to make an endowment. The consequence was, that early in the month of August the Duke entered into an arrangement with Mr. Shore to do the duty, and agreed to give him a remuneration of 200*l.* Some doubts arose on the question of preferment, and the chapel was not then opened. Communications subsequently took place between Mr. Maberly, the Duke's solicitor, and the secretary of the Bishop; three or four letters passed, and, without any endowment taking place, and without the consecration of the church, the Bishop granted a title to Mr. Shore, who was duly nominated by the then incumbent of the living, Mr. Edwards. Mr. Edwards afterwards died, and a gentleman named Brown succeeded him, and continued to hold the living till 1844, Mr. Shore during all that time doing the duty of the church, and no difficulty arising. In the summer of 1844, Mr. Brown entered into an arrangement with a Mr. Cozens, who came in July to reside on the incumbency, and objected to Mr. Shore's doing the duty, and refused to nominate him; and the Bishop thereupon refused to grant a license. Some judicial proceedings took place, and ultimately the chapel was licensed under the statute, and the church was opened for the performance of religious services according to the doctrines and liturgy of the Established Church. The incumbent proceeded against Mr. Shore in the ecclesiastical court; but still the church had continued open to the present time, and the services had been performed to the great satisfaction of the congregation. The Duke was accused of bad faith in having violated a specific engagement entered into by him never to allow the chapel to be used for other purposes than those of the Church of England; and secondly to endow it; for the Bishop said that when he licensed the chapel, there was a positive engagement to endow it. Now, with respect to the first point, he did not see, on reference to the Act, that it was necessary a chapel should be a Dissenting place of worship because it was licensed under the Act. The certificate under which it was opened was granted by the archdeacon; and the registrar objected that it did not specify the place to be a Dissenting chapel; but the opinion of Mr. now Mr. Justice Erle was taken upon the subject, and he was of opinion that it was not necessary to declare it to be a Dissenting place of worship, because it was licensed under the Act. In point of fact, however, it had not been used as a Dissenting place of worship, for it was used for the services and the sacraments according to the rites of the Church of England. But the principal accusation was, that the noble Duke had forfeited his engagement that he would endow the chapel; and to show the groundlessness of that charge, the noble Earl read the correspondence which had taken place between Mr. Maberly, the solicitor of the Duke, and the Bishop's secretary; in which the Duke had no doubt stated his wish to make an endowment; but, as some difficulties might arise as to the patronage and other matters, made no pledge upon the subject. The noble Earl then read the following correspondence:—

"Bedford Row, Sept. 12, 1832.

"Sir—I begin to apprehend that the mutual object of the Duke of Somerset and the Bishop of Exeter will not be attainable but through the medium of the Church Building Commissioners. It will require some consideration to determine what proposition to lay before them on the subject. It may also turn out that the Duke's apprehension of its being necessary to let the twelvemonth go round is well founded; and this would be so much waste time, for the chapel is ready, I believe. It seems to me also that it might assist the Duke in determining definitively what he might be inclined to do relative to endowment, &c. if an experiment could be first made how the chapel is likely to answer. Under these considerations, I should beg to suggest that it would be better to request of the Bishop, in the first instance, a license as if it were a proprietary chapel only, which need not by any means imply thereby that the idea of endowment and consecration is abandoned. The opening of the chapel in this way will, in the course of a few months, probably, enable the Duke to judge what may be the best arrangement to propose for the ultimate adjustment.—I am, &c.

"JOSEPH MABERLY."

To this letter Mr. Barnes replied—

"Sir—I have taken the earliest opportunity of laying before the Bishop your letter of the 12th. The Bishop directs me to say that the Duke of Somerset, having stated his wish and purpose to endow the chapel, and to convey the same for communication, the Bishop will license the chapel till that purpose can be carried fully into effect. The Bishop has further directed me that, having himself seen the chapel, he dispenses with the issuing of any previous commission of inquiry. It is only necessary, therefore, that the Duke should sign a petition to grant the license, and I will draw a form and send it to you. For this purpose you will be good enough to direct a plan of the chapel to be furnished, showing the ground plan and scaling, &c.; and be good enough to give me the most concise statement possible as to the title—that the Duke is tenant in fee of what other estate.—I am, &c.

"RALPH BARNES."

On receiving this letter, Mr. Maberly wrote, on the 22nd of September, as follows:—

"Sir—I beg to acknowledge the receipt of your favour, which, with your request of a plan, &c., I will immediately communicate to his Grace, and I doubt not that I shall be commissioned to return his Grace's thanks to the Bishop and yourself for your obliging attention. I write, however, in consequence of some expressions in your letter, and to prevent all possibility of any future misunderstanding, unlikely as it may be, to arise. I think that the communication of the Bishop's consent to license is accompanied by words from you, that, if unqualified and unexplained, would amount to an implied engagement on the part of the Duke, at all events, and under any circumstances, and with whatever inconveniences attended, still peremptorily to endow and convey the chapel for consecration. As the Duke is a man who would be scrupulous to the letter in the performance of every iota of what he could be considered, either directly or by implication, to have engaged for, it becomes the more necessary for me to take care that his Grace does not lay himself under any obligation calculated, by any possibility, to bring him into a dilemma. It is his Grace's most serious and determined intention and wish to do his best, through the medium of the Church Commissioners or otherwise to procure the consecration of his chapel, and to make for it a permanent regular endowment of proper amount. With the expression of this intention, the Bishop will, I doubt not, knowing his Grace's attachment to the Establishment, feel satisfied and rest contented. But it is possible that there may be impediments, unlooked-for requisitions, objections made, interference with patronage, or the like, that may make it unadvisable, in the view of his Grace, or of any reasonable man, to proceed to the conveyance or consecration, and may rather induce his Grace to wish to wait till some further legislative regulations afford better facilities, or remove difficulties that may in the present state of the law exist. I must, therefore, claim for his Grace a discretion in these matters beyond what your words convey. That the Bishop is content that the Duke should have this I do not doubt, nor do I think that you meant to imply to the contrary; but if you read again your words, I think that you will find that the qualification is necessary which I have here taken the liberty to make. I will send you the plan, &c., as soon as I receive it, and shall be obliged by the form of petition you propose to send me.—I am, &c. "JOSEPH MABERLY."

Mr. Barnes replied to Mr. Maberly:—

"Exeter, Sept. 25, 1832.

"Sir—I have consulted the Bishop upon your letter of the 22nd. The Bishop's authority, as stated in my letter of the 10th, was founded correctly, his Lordship thinks, on the previous communications; but the Bishop, on perusing your letter, authorizes me to say that he is content to license the building on the declaration therein contained. I shall be glad to give every despatch to the business on your furnishing me with the matter mentioned in my former letter.—I am, &c.

"Ralph Barnes."

The noble Earl concluded by contending that the Duke of Somerset never had entered into any contract to endow the church in question.

The Bishop of BATH and WELLS said, that he had never heard of the difference which had arisen between the Duke of Somerset and the Bishop of Exeter until he received a letter from the Bishop of Exeter on the subject. As he wished to occupy the attention of their Lordships for the shortest possible time, he should confine what he had to say to the fewest possible words, and therefore he should proceed at once to lay before them the letter which he had received from his right rev. Friend:—

"Bishopstowe, Aug. 1, 1846.

"My dear Lord—Lord Radnor having informed me that it is his intention to bring forward a discussion respecting a statement made by me in the House of Lords on the 23rd of June last, on occasion of the presentation of a petition from the Rev. James Shore, which statement his Lordship considers as having cast an imputation of bad faith on the Duke of Somerset, I request you to ask for me the indulgence of the House (as was recently accorded to the Archbishop of Dublin) in permitting me, in this letter to your Lordship, to state the reasons which prevent me from attending in my place when the discussion shall come forward. Those reasons are stated in a letter which I wrote on the 28th ult. to Lord Radnor, a copy of which I request you to read to the House, as well as a copy of the letter to Lord Seymour, referred to in mine to Lord Radnor, and of Lord Seymour's answer to me, all which I now enclose. I further request you to state to the House, after reading that answer, that the newspaper transmitted by me was the *Western Times*, of Saturday, the 25th ult., that it was put into the envelope in my presence by my solicitor, in his own office; that it was sealed by him, and put into the post-office at Exeter by him; that my solicitor took the precaution of marking the copy of the *Western Times*, so placed by him in the envelope, with my letter addressed to Lord Seymour; and that he and his clerk declare, and he will be ready to testify, that neither of them ever had in his possession a *Gloucester Journal*, nor, to the best of their recollection, ever saw one—that it was, therefore, absolutely impossible that such a paper should have been inserted in the envelope before it was put into the post-office at Exeter. I will add, that I myself have not for many years had in my possession, nor even seen, a Gloucester newspaper; that I could not, therefore, have transmitted such a paper to Lord Seymour.—I am, my dear Lord, yours most faithfully, "H. Exeter.

"The Hon. and Right Rev. the Lord Bishop of Bath and Wells.

"P.S. I think it right to add one or two brief passages from the reported speech of Lord Seymour, on which I offered to meet him before a jury:—'He (the Bishop of Exeter) rose calmly and deliberately to make this statement. It is a calm, deliberate, collected statement; and I proceed to show to you that that calm, deliberate, and emphatic statement is a deliberate falsehood.' Again—'Therefore he (the Bishop) not only made a charge diametrically contrary to the truth; but he made a malicious charge, for the purpose of giving a false imputation to the individual in question.'"

That was the letter which he had received. Now, with the permission of the House, he should read the copy of a letter addressed by the Bishop of Exeter to the noble Earl near him who had just addressed the House:—

"Bishopstowe, Torquay, July 28, 1846.

"My Lord—Being in Exeter this day, I have received the letter of yesterday's date with which your Lordship has honoured me, intimating your intention of making a statement in the House of Lords, at the desire of his Grace the Duke of Somerset, in order 'to remove the imputation of bad faith which, in my speech of the 23rd of June, I cast upon him.' I thank your Lordship for saying that 'you should be unwilling that this should be done in my absence,' and expressing your 'hope that I will let you know, at my earliest convenience, what day will suit me to be in the House.' It would have given me very great satisfaction to have availed myself of your Lordship's courteous and candid proposition, had not circumstances occurred which have rendered it imperative on me to forbear at present from personally bearing part in the discussion. Those circumstances are, indeed, such as may possibly induce your Lordship to reconsider your purpose of dealing with the matter at present in the House of Lords. They are as follows:—Lord Seymour, who, as the Duke's eldest son, must be considered by me as having acted in such a matter with the cognizance and approbation of his father, recently called a public meeting, which was holden on Tuesday, the 21st inst., at the Mayoralty Room, Totness (the Mayor presiding), by a handbill, stating that Lord Seymour would address his constituents, and at the same time correct certain statements which had been made respecting the church at Bridgetown. At this meeting the speech of Lord Seymour was of such a character as compelled me to write to him a letter, a copy of which I have the honour to enclose, together with the newspaper, in which the report of it (which is generally, as I hear, understood to be accurate) was given to the world. I have also directed that a bill of indictment be preferred at the Exeter Assizes, now in progress, against the editor of the newspaper, for his peculiar share in the publication. As I shall present myself as a witness in the prosecution of the indictment, in order that I may be submitted to cross-examination upon oath relative to the facts of the case, I feel that I ought not to yield (as my first impression was to yield) to the temptation of bearing part in the discussion which your Lordship has informed me it is your intention to introduce in the House of Lords.—I have the honour to be, my Lord, your Lordship's obedient servant,

"The Earl of Radnor. "H. EXETER.

"P.S. If your Lordship should continue in the intention of making your statement, I would request that you will give me as early notice of the day as possible, and that it be not earlier than Tuesday next (a day which your letter permits me to name), in order that I may request some friends to attend and report to me the purport of what your Lordship shall say."

He should next proceed to lay before their Lordships a copy of a letter addressed by the Bishop of Exeter to Lord Seymour—

"Bishopstowe, Torquay, July 28, 1846.

"My Lord—My attention has been called to the report of the proceedings of a public meeting holden at Totness on Tuesday last, and especially of a speech therein stated to have been delivered by your Lordship on that occasion. I now send to your Lordship a copy of the newspaper, the *Western Times,* of Saturday, the 25th inst., in which the report is given. The sentiments and tone ascribed to your Lordship in the reported speech are such as forbid all remark or comment on my part. But I have no hesitation in making to your Lordship a proposition, which I am bound to suppose will not be lightly rejected—that your Lordship shall either deny the general accuracy of the report, or if it be, in the main part of it, accurate, that you make such admission of its accuracy as shall put me in a position to call on you to justify the speech, as reported, and prove the truth of its main allegations before a jury of our country.—I am, my Lord, your Lordship's obedient servant,

"The Lord Seymour. "H. EXETER.

"P.S. I request your Lordship to return to me the newspaper which I now send, with any statement which your Lordship may think fit."

The answer returned by Lord Seymour he should read, as the last document which he had to lay before them:—

"Spring-gardens, Wednesday, July 29, 1846.

"Lord Seymour declines all communication with the Bishop of Exeter, and is not desirous of reading the *Gloucester Journal,* which the Bishop has transmitted."

Subject at an end.

JOINT STOCK BANKS BILL.

The EARL of EGLINTON rose to put a question to the noble Marquess opposite, regarding the intentions of Her Majesty's Government with respect to the Scotland and Ireland Joint Stock Banks Bill. He earnestly hoped that it was not the intention of the Government to proceed with such a measure at the present period of the Session. The measure, it was well known, was extremely obnoxious to the people of Scotland. It probably was also known to many noble Lords that a deputation from Scotland waited upon Sir R. Peel for the purpose of inducing him to forego his intentions with respect to this measure. Sir R. Peel promised to reconsider the subject, and promised likewise that some delay should take place; it therefore might be hoped that the present Government would not proceed with the Bill. He hoped that a new Ministry, which, in Scotland at least, had met with no factious opposition, would, as a favour and as an act of grace, postpone such a measure till the next Session of Parliament. There was nothing of which the Scotch were so jealous as any interference with their system of banking. If the Bill passed now, he believed that there was not a bank in Scotland which could avail itself of the advantages which the measure held out. The Bill also appeared to him objectionable on the ground of its tendency to centralization, which, though high in favour with Sir R. Peel, was very differently viewed by the people of Scotland.

The MARQUESS of LANSDOWNE was afraid that he could not give the noble Earl any assurance that the Bill would not be proceeded with. He should inform himself as to the progress that the Bill had made elsewhere; but, as far as he could see, there was nothing on the face of the proceedings which seemed to render postponement necessary. The proposed measure, as every one knew, was perfectly familiar to the public, and therefore no well-founded complaint could be urged against its being proceeded with at the present period of the Session. The matter had already been brought under the notice of the Chancellor of the Exchequer; and, upon the whole, his opinion was that the advantages likely to accrue from the measure would greatly preponderate over the disadvantages.

LORD KINNAIRD observed, that from the known opposition manifested against the Bill, the parties who objected—indeed all parties—expected that further communication would have been given before the measure had been further proceeded with. He might also say, as another reason why the further progress of the measure should be stayed, that through information afforded by the public papers, persons in Scotland interested in banking affairs had been told that the Bill would be left over until the next Session. He did not see, therefore, that it would be fair to continue further progress, particularly when the very late period of the Session was considered. No doubt the chartered banks of Scotland approved of the Bill, and would be rejoiced, could they see it made the law of the land, because it afforded them a monopoly. He knew the people of Scotland were against this Bill, and he knew also that a general feeling existed in Scotland that farther progress would not be made. On these grounds it would not be fair to enter into any discussion upon the Bill.

Earl GREY thought it would be better to postpone the discussion of the Bill till the second reading; and if the Bill was proceeded with, it should pass with as little delay as possible. He proposed, therefore, to make it an Order of the Day that the Bill should be read a second and third time on Thursday, when he thought he should be able to state reasons for passing the Bill of which his noble Friend was not aware.

Bill read 1^{a}.

House adjourned.

HOUSE OF COMMONS,

Tuesday, August 4, 1846.

Minutes.] Public Bills.—1^{o}. Judgment Creditors.
2^{o}. Cheshire Returning Officer.
Reported. Cheshire Returning Officer.
3^{o}. and passed. Cheshire Returning Officer.

Petitions Presented. From Inhabitants of the City of York, for the Adoption of Measures for promoting the Due Observance of the Lord's Day.—By Mr. Thomas Duncombe, from John Williams, Inhabitant of the Town of Holywell; by Sir Robert Harry Inglis, from Archdeacon of Sarum, and from Dean and Chapter of the Collegiate Church of Saint Peter, Westminster; by Mr. Long, from Clergy and Laity of the Deanery of Potterne; and by Colonel Reid, from Members of the Windsor and Eton Church Union, against the Union of St. Asaph and Bangor, but in favour of the Immediate Appointment of a Bishop to the newly erected See of Manchester.—By Mr. Thomas Mackenzie, from Heritors, Magistrates, and Commissioners of Supply of the County of Ross, met in the Court House at Dingwall, for Repeal of the Duties on Malt and Whiskey.—By Mr. Baine, from Bankers, Merchants, Shipowners, and other Traders, Inhabitants of the Town of Greenock, in favour of the Measure proposed by Her Majesty's Government respecting the Sugar Duties.—By Mr. Law, from Inhabitants of Bradford, for an Investigation into the Working of the Anatomy Act, with a view to its Repeal.—From Directors and Members of the York Institute of Popular Science and Literature, in favour of the Corresponding Societies and Lecture Rooms Bill.—By Lord Granville Somerset, from Owners and Occupiers of Fen Lands situated in the Parishes of Northwold and Methwold, in favour of the Drainage of Lands Bill.—By Dr. Bowring, from Inhabitants of the Parish and Borough of Ilfracombe, and by Mr. Thomas Duncombe, from George Williams, Resident in the Parish of Saint John's, in the Town of Cardiff, for the Abolition of Naval and Military Flogging, and for a Strict Investigation into the Treatment of Private Frederick John White, late of Her Majesty's Regiment the 7th Hussars, who was flogged at Hounslow by order of the Commanding Officer.—By Viscount Newport, from Inhabitants of Broseley, and by Mr. Manners Sutton, from Inhabitants of the Town of Cambridge, for the Establishment of Local Courts for the Recovery of Small Debts.—By Mr. Thomas Duncombe, from Edward Baker, of No. 2, Catherine Place, Westminster, late Warder in the Milbank Prison, for an Immediate Inquiry into the Manner in which the Prison of Milbank is conducted.—By Mr. Robert Palmer, from Guardians of the Poor of the Wokingham Union, for Alteration of the Poor Law.—By Mr. Wynn Ellis, from Chairman, Vice Chairman, and Guardians of the Leicester Poor Law Union, and from Guardians of the Poor of the York Union, for Alteration of the Poor Removal Bill.—By Mr. Henry Berkeley, from Members of the Bristol Peace Society, for the Abolition of Punishment of Death.—By Lord John Russell, from Wholesale Booksellers and Stationers of the City of London and Westminster, respecting the Opening of Railway Parcels.—By Mr. Eliot Yorke, from Bankers, Merchants, Traders, and other Inhabitants of the Borough of Wisbech, for the more easy Recovery of Small Debts.

CHESHIRE RETURNING OFFICER.

The ATTORNEY GENERAL moved the Second Reading of the Cheshire Returning Officer Bill, and in doing so begged to explain that Chester was a county palatine in itself, and that consequently until the passing of the Act 1 William IV., cap. 70, the writs were always directed to the Chamberlain of the County Palatine of Chester, as the Queen's writ did not run n the county. The 1st William IV., c. 70, abolished the practice; but, nevertheless, since then all the writs for the county had continued to be directed to the Chamberlain, and had been consequently perhaps irregularly issued, and all the hon. Members returned by the various constituencies had been elected under writs issued by that officer. As the practice could prevail no longer, it was necessary to pass the short Act which he had introduced on the preceding evening, under which, for the future, the writs would be directed to the sheriff of the county, or the sheriff of the county of the city of Chester, and former elections would be declared valid. He trusted that the House would allow the Bill to be read a second time, committed, and engrossed, and to be read a third time that evening, or as soon as possible after being engrossed, in order that it might be made law before next Saturday, when the writ issued for the city of Chester should be returned.

Bill read a second time, and passed through all the other stages.

FLOGGING IN HONG-KONG.

Dr. BOWRING begged to ask the noble Lord the question of which he had given notice, namely, Whether the attention of the Government had been called to the frequent application of flogging, as a punishment for petty offences, in the island of Hong-Kong, it being stated that no less than fifty-four persons were so punished on

Saturday, the 25th day of April last, for not having obtained tickets of registration; and after such infliction, were deliverd over to the Chinese authorities to be subjected to further penalties under the criminal code of that empire?

Mr. HAWES had received no account whatsoever of the affair alluded to by his hon. Friend; and the only punishment he had received accounts of, as having been inflicted for such an offence was fine and imprisonment, or imprisonment with hard labour. The circumstance, however, to which his hon. Friend had alluded, would receive attention and be inquired into, and by the next mail orders upon the subject would be issued.

Dr. BOWRING begged to hand his hon. Friend the best evidence he possessed of the affair, the Hong-Kong newspaper.

TENANTS OF TRINITY COLLEGE, DUBLIN.

Mr. MORGAN JOHN O'CONNELL would take that opportunity of asking the right hon. Gentleman the Secretary for Ireland, whether he would undertake to direct his attention during the coming recess to the subject of a petition from certain tenants of Trinity College, Dublin, together with the other landlord and tenant questions in Ireland, with a view to carry into effect the recommendations of the Landlord and Tenant Commission? He did not ask with the petitioners that their leases might be converted into perpetuities, but merely that such corporations as they held under might have larger and more extensive powers of granting leases.

Mr. LABOUCHERE replied, that his attention had been called to the subject, and all he could say was, that he would endeavour to bring forward a measure which would remove the existing grievances, whilst preserving a due regard to the interests of Trinity College, as well as of the tenants.

WESTMINSTER IMPROVEMENT.

Sir DE LACY EVANS rose to ask the Attorney General if he would propose an Amendment of the law, affording means of obtaining compensation in the following case, viz.: in the poorer part of St. John's parish, Westminster, there are various persons who have resided for a series of years in the same dwellings without leases, relying on the good faith of their landlords that they would not be dispossessed; and whose families have been supported, and livelihood depends on the good will or business connexion they have established in the locality—they are now about to be removed compulsorily without compensation, and their houses taken down, in order to construct new streets, under the provisions of a "Westminster Improvement Act," passed last year, empowering a building company or association to this effect.

The ATTORNEY GENERAL replied, that although every one would admit the hardship, yet the question of landlord and tenant's relative rights was so complicated, that it was wholly impossible the hardship could be satisfactorily remedied.

Sir DE LACY EVANS felt it to be his duty not to let the matter rest.

TOBACCO DUTIES.

Dr. BOWRING begged again to call the attention of the House to the subject of the Tobacco Duties. Upon a former occasion he had presented to them facts and figures, showing the enormous increase in the number of seizures which had taken place in the United Kingdom, and that five-sevenths of the whole amount of those seizures were connected with tobacco smuggling. Since the year 1842, the convictions under the excise laws had doubled in this country, and had become fivefold in Scotland, and they were chiefly for smuggling tobacco, for which a vast number of receiving houses had been established. He had shown them a publication, which contained 100 folio pages, of the names of sufferers under the penalties of the tobacco excise law. Those persons had been taken before the magistrates and imprisoned, whilst struggling in a successful contest against the Chancellor of the Exchequer. He wanted the House to look into the state of the law, and to inquire into the causes which occasioned so many people to be, under one particular Act, crowded into prison, whilst the public were placed under heavy charges to carry out the punishments to which they had been sentenced, with, as he believed, and as the facts would show, exceedingly little benefit to the revenue. He thought a duty of 1*s.* per pound would be productive to the revenue, and would prevent a great deal of fraud. The hon. Member concluded by moving a Resolution, that the state of the Tobacco Duties require the revision of Parliament, with a view to their early reduction.

The CHANCELLOR of the EXCHEQUER said, that there was no doubt the evils resulting from smuggling were very great; but the hon. Member, when he suggested a reduction, ought to recollect that the reduction would involve the sacrifice of a large amount of revenue, which, in that case, must be made up from some other source. He was not, therefore, prepared, on the part of the Government, to agree to the Motion.

Mr. HUME supported the Motion. The maintenance of a large coast-guard establishment, and the adoption of other means to prevent smuggling, were causes of a very great expense to the country.

An Hon. MEMBER moved that the House be counted, and there being only thirty-five Members present, it was adjourned at a quarter before Six o'clock.

HOUSE OF COMMONS,

Wednesday, August 5, 1846.

Minutes.] Public Bills. — 1°. Lunatic Asylums and Pauper Lunatics; Sites for Dwellings (No. 1); Arms (Ireland); Sites for Dwellings (No. 2); Contagious Diseases Prevention; Lunatic Asylums (Ireland); Turnpike Roads (Ireland); Forms (Assessed Taxes); Militia Pay.

2°. Gauge of Railways; Sugar Duties (No. 3); Naval Medical Supplemental Fund Society.

Reported. Court of Common Pleas.

Petitions Presented. By several hon. Members, from an immense number of places, against the Union of Saint Asaph and Bangor, but in favour of the Immediate Appointment of a Bishop to the newly erected See of Manchester.—From the Right Honourable the Lord Mayor, Aldermen, and Burgesses of Dublin, for the Restoration of the ancient Rights and Privileges to the Corporation of Dublin.—By Mr. Mildmay, from Mayor, Aldermen, and Burgesses of the Town and County of the Town of Southampton, for the more easy Recovery of Small Debts.—By Mr. Hume, from Merchants, Agents, Shipowners, &c. connected with the Indian and Eastern Colonial Trade, for Establishing Steam Communication with the Colonies.

PUBLIC CEMETERIES BILL.

Mr. MACKINNON, in moving the Second Reading of the Public Cemeteries Bill, observed, that the object of the measure was threefold: first, to prevent all interments within the precincts of large towns or populous places; secondly, to prevent dead bodies from being kept in the rooms of the poorer classes for an indefinite time—a practice which induced many pestilential disorders; and thirdly, to limit, in some measure, the exorbitant charges of undertakers and others, which the poor were unable to pay. The evidence given before the Health of Towns Commission had fully established the bad effects of permitting interments in towns, and of allowing corpses to be kept for several days in the same rooms with the living members of the deceased's family. To remedy these evils it would be necessary to place certain powers and machinery in the hands of the Government: there seemed no other course, notwithstanding the strong disinclination in the country to centralization. This Bill, accordingly, proposed that a Commissioner or Commissioners be appointed to act under a Committee of Privy Council, and to report on the existence of any nuisances affecting the public health. The Commissioners would inquire and report the extent of the evils abovementioned in the metropolis, and in towns where epidemic disease might appear most prevalent, or whenever they received a complaint from any parish or union; and they would state to the Committee of Privy Council the existing extent of space provided for burials in the district, and the edifices and consecrated and unconsecrated ground required, with plans and estimates for new cemeteries. If, after due publicity given to the project, it should be approved by the Privy Council, then it might be carried into execution under the superintendence of the Commissioner, with the aid of a local committee, if thought fit, consisting of the local clergy and a number of the inhabitants of the district. The Bill proposed to give compensation to the clergy during the lives of the present incumbents for the loss of fees, and also to clerks and sextons, if these should not be appointed by the Commissioner to the new public cemeteries. The proprietors of private burial grounds within the district would also receive compensation for any loss they might sustain. The expense of all this might be defrayed by a small addition to the poor rate, not to exceed 3*d.* per head per annum, if the burial dues proved insufficient; money for the first cost might be obtained by loans secured on those burial dues and rates in aid of them. The whole subject was of vast importance; 67,000 persons were dying every year of epidemic and contagious diseases, occurring, in the largest proportions, in the worst-conditioned districts of towns. But this subject, as well as that of the prevention of smoke, ought to be taken out of his (Mr. Mackinnon's) hands by the Government; and he would propose that the Bill be read a second time, in order that the country might have opportunity of considering it before next Session, and then he hoped the Government would bring forward a satisfactory measure, founded on a great and comprehensive view of the whole matter.

Sir G. GREY felt that the hon. Member was entitled to very great credit for the pains he had taken on this important subject. It was one which came within the operation of those sanitary measures which were now under the consideration of the Government, and would be brought forward, it might be hoped, early next Session. To read this Bill a second time at present, however, might be pledging the House to very important details—perhaps the assent would be rather formal than substantial—but it was desirable to reserve the whole question for full and fair consideration. The best course would be to let the House have the benefit of that consideration. He hoped the hon. Member would be disposed to leave the matter in the hands of the Government, with the assurance that the whole subject was to be considered by them.

Mr. MACKINNON assented, and expressed a hope that the Government would be able so to mature a measure as to have it brought forward at an early period next Session.

Motion withdrawn.

BANKRUPTCY AND INSOLVENCY BILL.

Mr. BOUVERIE said, the whole system of the bankruptcy and insolvency laws of this country had, during the last eight or ten years, been in such a state of oscillation and transition, that it now presented a mass of confusion; and such an amount of suffering and pecuniary loss was inflicted by it upon the country as was almost incredible, so that an alteration in the law was imperatively called for. The great objects of a bankrupt and insolvent law, which ought to be to facilitate the means of getting possession of the property of insolvent traders, to prevent that property from the consequences of waste or fraud, and to protect the insolvent trader, were very inadequately obtained under the present system. He was glad to find that it was the intention of the Government to consider the whole subject, with a view to bringing in a large measure to amend the present system. That being the case, he would not press the Motion for going into Committee on the Bill, but would leave the question in the hands of Her Majesty's Ministers.

Sir G. GREY said, with reference to this subject, he had received a communication from his noble Friend the Lord Chancellor, to the effect that he had under consideration a measure for the amendment of the bankruptcy and insolvency laws, which he hoped to be able to perfect before next Session of Parliament.

Motion for Committee withdrawn.

WASTE LANDS (IRELAND) BILL.

Mr. P. SCROPE said, this Bill stood for the second reading that day. He had had great hopes that the measure, or some one equivalent to it, would have been taken up by the Government during the present Session, and carried successfully through the House. Since he came down to the House, however, he had learned that there was an indisposition to carry this or any similar measure during the present Session. He regretted this exceedingly, as it was in every respect desirable that they should have as many sources of employment for the people of Ireland as possible during the winter months; and he knew of none more profitable or beneficial than the reclamation of waste lands in Ireland on a large scale. If this Bill was postponed, he trusted that at the earliest possible period next Session, a measure would be introduced by Government for this object, as he was satisfied that without some such scheme no satisfactory government of Ireland could be carried on.

Lord J. RUSSELL said, Her Majesty's Government had every wish to introduce a Bill of this kind, and much consideration had been given to this and other measures of a similar nature; but, after due deliberation, they had come to the conclusion that it would be far better to postpone such measures till more time for consideration could be given to them.

Bill withdrawn.

EPISCOPAL REVENUES AND DIOCESE BILL.

Mr. FREWEN had stated that day week, in introducing this Bill, that he brought it in solely in consequence of the Bangor and St. Asaph and Manchester Bill, which had passed the other House. But as the noble Lord (Lord Clive) had withdrawn the latter measure, it was not his intention to press the present one, and therefore he asked for leave to discharge the order for the second reading.

Colonel SIBTHORP hoped this Bill was withdrawn altogether, and that its present withdrawal was not merely temporary, contingent upon the introduction of any other measure. He had never read a Bill so wholly objectionable from the commencement to the close. Why, it proposed nineteen new bishops. Now, on a recent occasion the bishops had not done their duty as they ought. He alluded to the Maynooth grant, to which they gave their sanction. He would ever support the Church of the country, and with it the Monarchy; but he could not consent to a Bill of this dangerous and obnoxious description, which he believed would be destructive to the Church.

Order discharged.

SITES FOR DWELLINGS FOR THE POOR.

VISCOUNT MORPETH moved for leave to bring in a Bill to empower the Commissioners of Her Majesty's Woods to sell, on certain conditions, sites for dwellings for the poor out of the hereditary estates of the Crown; and another Bill, empowering the Commissioners of Her Majesty's Woods to sell, on certain conditions, sites for dwellings for the poor out of lands vested in them under Acts for the improvement of the metropolis. These Bills would, he considered, have a very beneficial effect upon the present most deplorable condition — so far as regarded the comforts of their habitations—of the poor. Several benevolent persons, having formed themselves into societies, had undertaken to build suitable lodgings for the working classes; and as, in the improvements frequently taking place, the poor were driven from miserable abodes into localities still more miserable, he thought it only right that the Crown, and the Commissioners under it, should have power to counteract a mischief to which they were, involuntarily, parties. As the law now stood, they could only grant leases at the full value; and what he proposed by this Bill to effect was, that the Commissioners should be authorized, for the purpose of providing dwellings for the poor, to dispose of the Crown estates upon such terms as might seem proper to them, and as further might be approved of by the Treasury.

The EARL of LINCOLN, while he hoped there would be full opportunity given before the second reading to consider the whole subject, must even at that stage of the proceedings enter his protest against the Bill. The noble Lord, he assured him, could not be more anxious to better the condition of the poor, whether by improving their dwellings or otherwise, than he was; but he did not think the course about to be adopted by the noble Lord would effect the desired end, whilst it would very prejudicially affect the whole system of management of the Crown Property. It was well known that the hereditary revenues of the Crown were guarded, and in the most stringent manner, from any diminution. Those hereditary revenues of the Crown were placed at the commencement of each reign, by an arrangement with the Sovereign, in the hands of the Commissioners of Woods, as trustees between the Crown and the public; and they were bound, in the execution of that duty, first on behalf of the public, to see that the income was appropriated in the best possible way; and, secondly, on behalf of the Crown, to see that the estate was not diminished in any way whatsoever: so that in the event of the demise of the Crown, the new Sovereign (who might not like to renew the present arrangements with the public) on his accession might receive those estates which belonged to him, undiminished and undeteriorated. If the noble Lord were allowed to take this first step to the diminution of the revenues, there would be no knowing where the noble Lord and his successors might stop. Indeed, the probability would be, that the noble Lord would be overwhelmed with applications to infringe on that property, either by making grants of land, or (as in the present Bill) by selling at a high price under its real value. He was opposed, therefore, to any diminution of the hereditary possessions of the Crown, for any, even for charitable purposes. If the object were to meet the circumstances of the poor, who might suffer injury by improvements of the streets of the metropolis, rather let money be voted for that purpose. But to the Act of the 10th Geo. IV., they should rigidly adhere, which regulated the administration of the revenues of the Crown. He had, however, another objection to this Bill. It was proposed to sell these lands below their value to an incorporated company formed to provide dwellings for the poor. Now the charter of this company allowed a dividend not exceeding 5 per cent upon the shares; and in the very probable event of that amount not being realized, it was obvious that the Crown lands would be sold not for the benefit of the poor, but for the benefit of the shareholders. He felt strongly therefore that, though the object of the noble Lord might be good, in the first place the means by which he proposed to attain it were not legitimate; and in the second place, even if legitimate, they would not be successful. Having stated generally those objections, he would reserve farther observations until the Bill was before them.

Mr. HUME considered that the Bill was a direct invasion of the principle so long recognised, the making the people dependent upon their own resources; and he strongly objected to it.

Leave given.

Bill brought in and read a first time.

House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, August 6, 1846.

Minutes.] Public Bills.—2ª. Adverse Claims (Ireland); Mandamus (Ireland); Joint Stock Banks (Scotland and Ireland); Cheshire Returning Officer; Waste Lands (Australia); Poor Removal; Grand Jury Cess Bonds (Ireland); Prisons (Ireland); Consolidated Fund.

Reported. Marriages (Ireland) Act Amendment; Art Unions; Ecclesiastical Patronage.

3ª. and passed. Small Debts; Cheshire Returning Officer; Militia Ballots Suspension; Ordnance Survey; Newfoundland.

Petitions Presented. From Royal Burghs of Scotland in General Convention assembled, for Reduction and Equalization of the Duties on Colonial and Foreign Sugars.—From Newport, Monmouth, and several other places, in favour of the Small Debts Bill.—From Poor Law Officers of several places, for Assistance and Protection, and for a Clause to be inserted in the Law of Settlement Bill to enable them to provide out of their own Salaries a Superannuation Fund for Old Age.

WASTE LANDS (AUSTRALIA) BILL.

Lord LYTTELTON said, he wished to put one or two questions to the noble Earl now at the head of the Colonial Department. The first question which he intended to put related to the government of New Zealand. He was well aware that there was a great deal of difficulty attending the whole question of the government of that Colony; but he could not help believing that, even at this advanced period of the Session, something might be done for improving the administration of affairs in that part of Her Majesty's dominions. It was understood that just before the late Administration left office they had prepared, and were on the point of laying before Parliament, a measure connected with the government of New Zealand; and he believed that the noble Earl had seen that measure. The general principle of it met with the general concurrence of parties in this country and the colonists themselves. Now, in the present state of affairs in the Colony he thought it a matter of very great importance that some such measure should pass this Session; and he wished to know from the noble Earl whether or not Her Majesty's present Government intended to introduce any such Bill during the present Session of Parliament. If they did not undertake such a task, he was not certainly prepared to prefer against them any complaint for that omission; but he hoped, nevertheless, that something might be done. The other question which he intended to put related to the Australian Waste Lands. He had himself laid a Bill upon the Table of their Lordships' House, which had been read a first time; but he could not, under present circumstances, think of going on with it, for it was clearly a matter which the Government alone could take up with any view of bringing it to a satisfactory issue. If the noble Earl did not mean to take up that Bill this year, he hoped, as the question was one of great importance, that his noble Friend would be able to say that he would introduce a measure on the subject early next Session.

Earl GREY replied, that he should be happy to answer both the questions put by the noble Lord. Late as it was in the Session, he did not despair of Parliament being able to legislate upon both those subjects. With respect to New Zealand, he did say that, notwithstanding all the difficulty which surrounded the task of legislating for it, the matter was too important to allow the present Session to pass over without some attempt to bring in some measure on that subject. Although every one must feel that the arrangements to be made required much consideration, and therefore much time, yet he thought it extremely important that some legislative measure relating to New Zealand should be passed in the present year. He entertained no doubt that the measure which he found in the Colonial Office had been very carefully considered, and he was quite ready to admit that, in the main features of the Bill he entirely concurred. It would require some alteration and some extension; but he hoped that in the course of a few days a Bill similar in principle would be brought forward in the other House. As to the other Bill respecting which the noble Lord had put a question, the measure was one of great importance, and he thought it was one which ought to pass in the present Session; he therefore did propose to proceed with it. He was sorry that there were in the Bill now on the Table some points which were not satisfactory; he intended, however, to reconsider it very attentively, and to propose that it be read a second time on Tuesday next, when he intended further to propose that the House should go into Committee on the Bill, *pro formâ*, in order to give him an opportunity of stating the alterations which he intended to propose, and the grounds upon which he wished to submit them to the House.

Bill read 2ª.

POOR REMOVAL BILL.

EARL GREY moved the Order of the Day for the Second Reading of the Poor Removal Bill. He would beg to remind the House that the Bill was read a second time in the House of Commons, precisely in the shape in which it at present stood; that after the second reading of it in the other House, an instruction was moved, which was calculated to make a very extensive alteration in the principle and character of the measure; that that instruction was agreed to; but that when the Bill came to be considered in Committee, that instruction was rejected, and the Bill was sent up to their Lordships in its original form. He certainly should not stand forward for the purpose of recommending them to pass the present Bill if he thought that this measure was to be the end of legislation on the subject; for he must confess that the question of settlement was in a very unsatisfactory state, and no one could doubt that at an early period the whole subject must be brought under the notice of Parliament, and the whole question must be fully gone into. But, however ready every one must be to admit that, yet at the same time every one must be equally ready to admit that the question was one of extreme difficulty. Upon the several features of the question he did not as yet feel qualified to pronounce an opinion one way or the other, reserving what he might have to say till the whole question came before Parliament. But though the Bill then before them might not accomplish all that they wished, yet in his opinion that formed no sufficient reason why they should not try to obviate some of the more crying evils which arose out of the Poor Law. As their Lordships perfectly well knew, the evils against which the present Bill was directed were these: A man went from an agricultural parish to a manufacturing town, and there he spent thirty or forty years of his life, giving to that town the full benefit of his labour during the best portion of his life; yet he was not entitled to receive from it any relief should he require it in sickness or old age, but was sent back to the district from which he originally came. This it would be generally admitted was a great hardship, as well to the poor man, as to the parish which was burdened with his support, without having enjoyed his labour; and it was to meet that case that this Bill was introduced. A strong expectation ws excited when the Corn Bill was proposed, that some such measure as this would be brought forward; and it was to meet that feeling that he now asked their Lordships to give their consent to the second reading of the Bill.

The DUKE of RICHMOND was decidedly of opinion that the measure now brought forward ought to be postponed till another Session of Parliament. The noble Earl said till the next Session; then why make any change till the whole question was fairly and fully before Parliament? He thought the present Bill was calculated to occasion a great deal of litigation. The alterations which the measure made in the law of settlement would give the magistrates a great deal of useless trouble, and after all afford no relief to the poor. Ministers by the Bill professed to do much, and in fact did very little, or rather did nothing. Members of both Houses had been called upon not to oppose the repeal of the Corn Laws, because a great boon to the landed interest was to be introduced in connexion with that great change in our commercial policy; and they were asked not to express any opinion until they saw its real character; and now this great boon was under the consideration of their Lordships. Let them now see what this great boon was—it amounted to this—that a man, after five years' residence in a parish, could not be removed, but might go into a neighbouring parish, and in that way leave his native place still liable to his maintenance. He was adverse to union settlements; if they once admitted union settlements the poor would be ground into dust. Why not have parochial settlements? And when a man had lived five years in a parish, why not declare that he should have a settlement in that parish? Supposing a man went from the county of Kent to a manufacturing town, lived there, married there, died there, where would the settlement of his widow and children be under this Bill? It would be in some agricultural parish in the county of Kent. Then why not at once declare that residence should create complete settlement?

To do that would be much better than to proceed with this sort of patchwork legislation. He thought it would be much better to withdraw that little paltry Bill, than to waste the time of the House with it. A general alteration of the law of settlement was a matter of very great importance; and whenever it came under the consideration of Parliament, he dd hope that means would be taken for affording some relief to real property, which now suffered such burdens that it was not able to bear.

The EARL of ELLENBOROUGH said, this Bill was not the one intended to be brought forward by the late Government, and he could not, therefore, support it. [Earl GREY: It is the same Bill exactly.] Then, if it were the same, he must say that alterations were introduced into it in the House of Commons which completely changed it from that contemplated by the late Government as supplementary to the Corn Bill. The object of the late Government was to relieve the agricultural parishes from the expense of taking care of those of their parishioners who in early life went into the manufacturing districts, and came back to their native place in old age. The object was to give them a settlement in the manufacturing districts to which they migrated; whereas the Bill under consideration did not confer that settlement. Amendments had been introduced in the fifth clause of the Bill which totally set aside that principle.

LORD REDESDALE observed that it was a trumpery measure; but he thought it might be of some use, and therefore he should not vote against it. It was good for this much, that it went to establish the principle that residence created, or ought to create, a settlement.

The MARQUESS of SALISBURY said, he had understood from the noble Marquess opposite (the Marquess of Lansdowne) that this Bill was to be postponed till the next Session; and therefore he had been led to suppose that Her Majesty's Government were not acting as a Government in respect to this Bill, but that it was taken up individually by the noble Earl. It appeared now that this Bill was not the Bill first introduced by the late Government. He understood it to be intended by the measure of the late Ministry that five years' residence should give a settlement: that would be no boon to the agricultural districts or to the pauper, who would be obliged to go to the magistrates to ascertain whether he had a residence of five years; and, suppose the magistrates made an order, there might be an appeal, and all the evils of the old law of settlement. If this Bill was passed, there would be an unwillingness on the part of the Government to deal with a question of this magnitude next Session; and this Act would remain a disgrace to the Statute-book.

The EARL of WINCHILSEA hoped, as the noble Earl had stated, that he proposed to bring the question of settlement under the consideration of Parliament next Session; and as this was a question affecting the interests and feelings of a great body of the labouring classes, Her Majesty's Government would consent to the postponement of this measure. It was said that this Bill was brought forward as a boon to the agricultural interest: he was convinced that if it passed it would be productive of endless litigation in a few months. What was to be considered residence? Was it the occupation of a hovel or a hut, in which a man might have resided for a certain number of weeks? A five years' residence would have been the better course; but the Bill did not place the law on that basis. He suggested that it should be compulsory on the counties, if they had not room in their asylums for poor lunatics, to find some accommodation, and that no poor lunatic should be removed out of the county, where he was totally deprived of any communication with his friends. He instanced the case of a poor woman who had been removed to the county of Durham, 300 miles from hee friends. It was so cruel a case, that if the opportunity had been given to him, he would have received that poor person into his own house.

The EARL of ST. GERMANS said, that the noble Earl (Earl Ellenborough) was in error in supposing that this Bill differed substantially from that brought in by the late Government. It never was intended to give industrial residence in a parish in which a party had resided five years. What was intended was to provide exemption from removal; that where a person had resided five years he should not be liable to removal, but in the event of his removal—for instance, from Manchester to London—he would not be entitled to relief in the parish to which he removed. He admitted that this was not a perfect and complete measure; it could only be considered as a stepping stone; but, as far as it went, he thought it a great improvement on the present state of the law, and that it would tend to prevent the recurrence of those hardships of which the noble Earl had so feelingly spoken. He therefore trusted that their Lordships would not reject this Bill, which had been fully discused in the present House of Commons. It was part, if not the whole, of the Bill which had been introduced by the late Government, and carried into effect the intentions with which that Bill was brought before Parliament.

LORD BEAUMONT said, if this Bill had been unaccompanied by the promise made by the noble Earl, he should not vote for its second reading, because he thought the Bill essentially a bad Bill; and that it would lead to additional litigation. But he saw that the Bill was substantially the same as that introduced by the late Government, who were answerable for it. The promise which now accompanied the Bill was of great importance; and he should therefore be sorry to throw cold water upon it. The Bill pointed out the principle of settlement gained by residence, though in an imperfect manner; and if that principle was carried out in future legislation, they had a prospect, upon a review of the whole law of settlement, of the question being set at rest.

The DUKE of RICHMOND did not intend to divide the House; but he would ask the noble and learned Lord upon the Woolsack how they were to take residence? Whether a poor man was to lose residence by going a hop picking? The whole of the Bill would create litigation; there was an appeal in every line.

LORD CAMOYS said, that he wished to say a few words, being much concerned in the administration of these laws. He thought it a hardship that Scotch or Irish paupers should be sent from the place in which they had been working for years to a distant county with which they might have no connexion. He did not think the Bill went far enough, because he thought that residence ought to give a settlement. If the interests of the poor only were consulted, it would be advisable to have no settlement at all. If they were in a situation to be relieved, the settlement was only a matter of hardship. But the question was between the interests of parishes and the interests of the poor, between which a proper line must be drawn. The proper principle was to give a sufficiency of justice to parishes on the one hand, and avoid inhumanity on the other. In the 9th Report of the Poor Law Commissioners, there was a singular statement showing in what light the poor who were removed considered their removal. It would be a difficult matter for magistrates how they were to understand the word residence. He was quite sure that most benches and most magistrates on the bench would differ on that point. It struck him that the difficulty might be got over in this way. Every person who was a householder ought to be on the rate book, whether he was a pauper or not. If that were taken as a means of proving that he belonged to the parish, that would include every person as a resident. The principle of allowing a claim to settlement on account of residence, however, appeared to him so just that he would support the second reading of the Bill.

The MARQUESS of SALISBURY thought that it would be satisfactory if the noble and learned Lord on the Woolsack gave his opinion as to the exact definition of "residence."

The LORD CHANCELLOR knew, from experience, that it was excessively inconvenient, if it were not useless, to lay down any abstract definition. He would much rather not give any abstract opinion as to what was "residence." It might apply to a vast variety of cases; but he believed that, so far, there had been found practically no difficulty. Their Lordships might recollect that in Scotland residence did give a settlement, and there had been found no practical difficulty.

The DUKE of GRAFTON hoped, that if not altogether withdrawn, the consideration of this Bill would be postponed, and that a more perfect measure would be introduced next year.

The MARQUESS of LANSDOWNE said, that as it was the intention to take the sense of the House on the second reading of the Bill, he would briefly state the grounds upon which he would give his vote. He greatly regretted that there had been any misunderstanding on the part of the noble Marquess (the Marquess of Salisbury) as to the day upon which the Bill would be brought forward for a second reading. Nothing had been further from his wish than to throw any obstacles in the way of the noble Marquess in opposing the progress of the Bill, and he would name any day for going into Committee most convenient. He was anxious, however, that the measure should be allowed to proceed, for he considered, in the first place, that there was involved in this Bill a very great principle which it would be wise and salutary to place on their Statute-book; and he felt convinced that if that principle were once granted, it would be found to be the foundation of a wiser and better legislation hereafter. He would admit, certainly, that the Bill was only an imperfect application of this principle. Another reason which impelled the present Government to persevere with the Bill was anxiety not to show themselves remiss in following up any of those measures of the late Government to which it was considered the landed interest, at the time and in consequence of the passing of measures to which that interest was opposed, was entitled. It had not appeared, from what had been said, that the compensation would be received by their Lordships with any very great satisfaction; but the Government could not forget that, when introduced into the other House, the Bill had been looked upon in that light, and had been supported by the great majority of those representing the landed interest. The Bill was now before their Lordships as it had come from the late Government; and as it had been thus brought forward, after the promise of compensation, Her Majesty's present Ministers had felt themselves bound to accept it in the shape in which it had been left. They were, therefore, not pledged to the opinion that this was the best form in which the principle, of which they approved, could appear. Up to this moment, and until this enactment, there had existed a cruel, unjust, and unwholesome principle, as the principle according to which the poor of this country were to be treated and controlled. It had hitherto been the rule that, after a man had expended his industry and spent his life in a particular locality, he was not entitled to have from that locality, in the hour of infirmity and helplessness, however rich and wealthy were the place, that support which his toil and the fruits of his labour had so well earned. It had hitherto been permitted, when all his energies were exhausted, and the means of obtaining a livelihood were no longer within his reach, that he should then be removed from the spot to which his labour had been given, to a place with which he had lost all connexion, and where he no longer had any tie, and where he would then in vain search for house or home. This, it must be admitted, could only be unjust; and he was glad that by this Bill another and a juster principle would be substituted—that where a man had toiled, there he should meet the reward of toil; that from the place to the prosperity of which he had contributed his industry, he should be justified in claiming support and assistance. The object of the Bill was solely to establish this principle as an opening to a future better legislation; and as it had obtained the consent of a large majority of the other House, he thought their Lordships would do well to pause before they thought of rejecting it altogether. Let them accept it as the lever, as the groundwork, for effecting after-improvement.

Lord REDESDALE reminded their Lordships that two years ago, when the late Government was strong in the other House, this much lauded principle received a direct negative. He therefore hoped that, if persevered in, such modifications, when in Committee, would be submitted to as would make the practical working of it facile and harmless.

Bill read 2^a. To be committed on Thursday next.

House adjourned.

HOUSE OF COMMONS,

Thursday, August 6, 1846.

Minutes.] Public Bills.—$1^{o.}$ Small Debts.

$2^{o.}$ Religious Opinions Relief; Forms (Assessed Taxes); Militia Pay.

Reported. Copyhold Commission; Turnpike Acts Continuance; Stock in Trade; Highway Rates; Loan Societies; Gauge of Railways; Steam Navigation.

$3^{o.}$ and passed. Court of Common Pleas; Spirit Licenses and Duties; Baths and Washhouses.

Petitions Presented. By Viscount Clive, from several places, against the Union of the Sees of Saint Asaph and Bangor, but in favour of the Immediate Appointment of a Bishop to the newly erected See of Manchester.—By the Earl of Arundel and Surrey, from Inhabitants of the Town of Dalkeith, for Better Observance of the Lord's Day.—By Mr. Hume, from Free Colonists of Van Diemen's Land, for a Free Assembly.—By Mr. John Abel Smith, from Chichester, for Abolition of Flogging in the Army.

DECCAN PRIZE MONEY.

Sir H. W. BARRON said, he wished, pursuant to notice, to put the following questions to the right hon. Gentleman the President of the Board of Control: "What is the amount available of the debt and prize money since the last distribution in the year 1832 of the Deccan prize money? Have the Nagpore jewels, in the custody of the East India Company at Benares, been adjudicated, as set forth in the printed paper of the House of Commons as printed in the year 1838? When will the distribution of the debt and prize money take place; and has the dispute which prevented the distribution of the said prize money been settled; if not, what is the nature of the dispute ?"

Sir J. C. HOBHOUSE said, with respect to the first and third questions, he could only say, that the last distribution of the Deccan prize money was in August, 1834, instead of 1832; and if his hon. Friend wished for any further information, the best course he could take would be to move for a continuation of the return which on a former occasion had been moved for by his hon. Friend the Member for Montrose. With respect to the second question, he begged to inform his hon. Friend, that the subject had been submitted to the Queen's Advocate, and also to the standing counsel of the East India Company, and they were both of opinion that the jewels referred to were not prize, and therefore they had been returned.

QUARANTINE REGULATIONS.

Captain LAYARD wished to ask the right hon. Gentleman the Vice President of the Board of Trade whether Sir W. Pym, Superintendent General of Quarantine, had within the last two years been employed by Government to proceed to the Continent for the purpose of obtaining information on the subject of quarantines from the authorities of different places, or for some other purpose; and to know if he made a report on his return, and, if he made a report, whether there were any objection to its being printed, and laid on the Table of the House ? And also to move that Government may institute an inquiry by competent persons as to the nature of the fever which prevailed last year on board Her Majesty's ship *Eclair*; and if shown to have been the true yellow or black vomit fever, that the inquiry should then extend to the question as to whether it had been proved that such a disease was transmissible from persons labouring under it to others in health.

Mr. M. GIBSON, in answer to the first question of the hon. Gentleman, had to state that Sir W. Pym was employed by the Government to make inquiry into the subject of quarantine, and that he had made a report to the Board of Trade, which report had been already laid before Parliament, together with all the correspondence connected with it. With regard to the second question of the hon. Gentleman, he had to state that there had been an inquiry into the fever referred to by two gentlemen (Sir W. Pym and Sir W. Burnett), but they differed in the conclusions to which they came. Sir W. Pym was of opinion that the fever on board of the *Eclair* was of a highly infectious nature. Sir W. Burnett, on the contrary, was of opinion that it was not infectious, but merely an intermittent fever produced by exposure to air at night, and irregularities on the part of the men who suffered from it, and that it could only be infectious from an accumulation of sick people in a confined space. With regard to what the Government might think fit to do upon a future occasion, it was not for him to say.

RELIGIOUS OPINIONS BILL.

Lord J. RUSSELL: In proposing to this House that the Religious Opinions Bill should be read a Second Time, I will make some statements to the House of the nature of that Bill: It is a Bill to repeal certain penalties which are inflicted upon persons, either on account of professing certain religious opinions, or on account of certain practices with respect to their religious faith, which are supposed to be dangerous to the country. The greater part of those punishments will, I believe, be considered by the House as unworthy of remaining upon the Statute-book; and I will, therefore, only mention them generally, and will proceed to those two parts of the Bill upon which there may be some difference of opinion. In the first place, it is a Bill to repeal two Acts concerning the Jews. The first is an ordinance regarding the Jews which is supposed to prevent their holding land. That has been a question of considerable doubt, an therefore we thought it better to repeal that ordinance, and thus dispose of any doubt there might be upon the subject. The other Statute provides that the Jews shall wear a certain badge, a mark of degradation and inferiority which certainly the House will not wish to continue. The next class of Acts to which the Bill refers, are Acts which require the attendance of persons at public worship according to the usage of the Established Church, and inflict penalties upon those persons who attend public worship in other places than those of the Established Church. The first is the Act of the 5th and 6th Edward VI., which inflicts penalties upon persons who attend public worship in other places than those of the Established Church; for the first offence, imprisonment for six months; for the second, a year; and for the third, imprisonment for life. The next is the Act of the 29th of Elizabeth for the same object, imposing a penalty of 20*l.* a month upon those who do not attend public worship in the churches of the Established Church. There are other Acts which impose penalties upon persons who do not attend church on the 5th of November, and various other Acts, several altogether, one of which was, I believe, put in force only a few years ago, imposing penalties upon persons who do not attend church on Sunday. It is proposed, as it is now according to the law of the land allowable to all persons to attend public worship in places conformable to their religious opinions, to abolish entirely the whole of those measures. The other class of Acts to which I shall refer are Acts providing against the dangers which this country incurred in former times on account of the pretences made by the Pope of Rome to supremacy over this country. Now, those Acts are of a very severe nature, and many of them impose penalties which, whatever may be thought of the danger to which they refer, it is impossible to maintain in the present day. There are penalties against Popish recusants—penalties of a very severe nature against any person who may maintain the authority of the Pope. There is the Act of Elizabeth upon this subject, which imposes for the first offence the condemnation of the whole of the offender's personal property; for the second offence the penalty of *præmunire;* and for the third offence, it declares the offender guilty of high treason. I do not say that I propose now to do away with the whole of those penalties; at the same time I must admit that a question has been raised whether in so doing we do in any way affect the title of the Crown of these realms to supremacy in all matters ecclesiastical and spiritual. But it has been laid down by the greatest authorities of former times, by Lord Hale and Lord Coke, that the supremacy of the Crown of these realms, in matters ecclesiastical and spiritual, is part of the common law of the land. The same opinion has been given within the last few weeks by Lord Denman, Lord Campbell, and Lord Lyndhurst, and therefore we may assume that there is no danger whatever that in taking away those penalties we do in any way touch upon the doctrine of the supremacy of the Crown. We take away penalties against those persons who maintain the supremacy of any foreign power or potentate over these realms. It cannot be seriously said that there is any advantage in keeping up penalties of this kind, for the mere assertion of the spiritual supremacy of the Pope in these realms. If it is only an opinion held by persons of the Roman Catholic religion, it ought not to be punished so far as it is an opinion, and nothing is done in consequence of that opinion by which the course of law is disturbed. If, in any way, a person were to question the Queen's supremacy, so as to bring the question before a court of law, no doubt the doctrine which I have mentioned would be maintained, and the law would make provision accordingly for the settlement of that doctrine. There is another offence which this Bill deals with, and that is the offence of introducing a bull of the Pope into this country. According to the Act of the 13th Elizabeth, when there was an assertion of the authority of the Pope, and an attempt was made to relieve all persons from their allegiance by the authority of the Pope, it was declared that all persons who introduced those bulls should be guilty of high treason. The question is, whether it is desirable to keep up that or any other penalty for such an offence. It does not appear to me that we can possibly attempt to prevent the introduction of the Pope's bulls into this country. There are certain bulls of the Pope which are absolutely necessary for the appointment of bishops and pastors, belonging to the Roman Catholic Church. It would be quite impossible to prevent the introduction of such bulls. Every one knows that now they are not prevented, but are, in fact, introduced into this country. But let us suppose that there is some bull introduced into this country similar to those we heard of in former days; let us suppose—though it is almost extravagant to suppose it—that there was any attempt by the Pope to assert any sovereign authority in these realms, or to interfere with the Queen's authority—my belief is, that no such bull would be observed by any Roman Catholic, but that it would be a dead letter; and thus much I am sure of, that if any person acted contrary to his allegiance in consequence of such a bull, he would be punishable according to the law of this country. Again, the security with respect to this and all other Acts is, that if anything seditious or treasonable is contained in those bulls, they would be punishable in this country the same as any other writing of a seditious or treasonable nature. If they contained anything seditious or treasonable, there is no difference to be made between circulating them and any other seditious or treasonable writing. I think, therefore, that the objections made to this part of the Bill are completely unsound. It appears to me that it is only common justice to repeal all those penalties by passing this Bill, which has been sent down to us by the other House of Parliament. I should say, after this Bill has passed, there certainly will remain some confusion in the law (though I do not think contradiction), as no Bill is introduced to alter the oaths now taken. We shall still continue to take the oath that the Pope has not, nor ought to have, any jurisdiction, ecclesiastical or spiritual, within these realms, though, at the same time, in point of fact, there is no doubt that he exercises a spiritual authority in these realms. That is the case at present, and that will remain after his Bill is passed. I have always interpreted that oath to be, that in the opinion of the person taking it the Pope has not any jurisdiction which can be enforced by law, and ought not to have any; but at the same time, I think the subject of oaths is one that ought to be taken into consideration, and therefore I shall not contend that the passing of this Bill will relieve us from the necessity of considering that subject in another Session. The question, whether it were desirable to introduce this Bill alone, or to connect it with another Bill as to oaths, was maturely considered by the late Government; and the late Government came to the conclusion that it was more advisable to introduce this Bill with respect to which there was likely to be little difference of opinion, than to meet the difficulties which might arise upon the other subject. I think that by passing this Bill you will get rid of many absurd penalties and much absurd legislation now on the Statute-book, and I therefore now move the second reading of it.

Colonel SIBTHORP felt bound to oppose this Bill, by his veneration for the acts and laws of his ancestors, and his attachment to the National Church, which the Bill went to undermine. At all events, he would enter his protest against it.

Sir H. W. BARRON hoped the hon. and gallant Member would remember that his ancestors established the Roman Catholic religion here, and that he would therefore have some veneration for it. The professors of that religion handed down to us every principle in the British Constitution worth contending for. He could not understand how any man could take the oath that no foreign prelate "hath or ought to have" any power or jurisdiction, ecclesiastical or spiritual, in England. Why, it was notorious that the Pope conferred the authority of the Catholic bishops here, and no man ought to be compelled to deny the fact.

Mr. ESTCOURT complained of the introduction of this Bill into the House at so late a period, when a great proportion of Members were naturally absent. It was only that day that the Bill had been in their hands. It certainly did not contain the objectionable clauses which had been proposed in another Bill (Mr. Watson's), interfering with the provisions of the Roman Catholic Relief Act; but still it proposed to abolish the law against the publication of bulls here—which had been prohibited by statute ever since the 13th Elizabeth; and upon that point the House was to decide at seven or eight hours' notice. He was no advocate for the existence of penalties which were not necessary for the protection of Protestants and the Protestant religion; but since legislation on part of the subject was to be postponed by the noble Lord, the whole subject might best be taken up together. He would move that the Bill be read a second time that day three months.

Mr. ESCOTT felt grateful to the noble Lord for completing the good work commenced by the late Lord Chancellor, and abolishing penalties the retention of which was a disgrace to the law of the land.

Mr. SPOONER insisted that the Bill ought not to be pressed at so late a period, when many Members had left town, like the hon. Baronet the other Member for Oxford (Sir R. H. Inglis), who found his health unequal to a longer attendance this Session. If the noble Lord persevered, he (Mr. Spooner) should feel it his duty to take all the steps that Parliamentary usages allowed, to oppose what he must call a most indecent act at that period of the Session. It was easy to say that bulls would remain as much illegal at common law as ever; but let the Attorney General state in what way a bull, *quâ* bull, could be touched, if it did not contain any seditious matter, but was merely an exercise by the Pope of authority over the subjects of this realm. The House and the country ought not to be taken by surprise on so important a subject.

Mr. HENLEY could not forget that, though the Bill had only just been printed, this was not entirely new matter; the whole subject had been introduced in the former Bill (Mr. Watson's), which was cut into two parts expressly because a Minister of the Crown stated that this measure was coming down to the House. As to the Bill itself, he could not see what harm it would do the Church of England; and if there was no harm in it, something ought to be conceded even to the prejudices of our Roman Catholic fellow subjects. The Acts of Parliament proposed to be repealed were entirely obsolete, and did no good to anybody. The Bill would not interfere with the oath of supremacy; everybody who took it now would take it still; and he believed the noble Lord's interpretation of it to be the true one—it merely stated that which was the belief of the party, his belief what ought to be the case; it could not alter the fact.

The House divided on the Question, that the word "now" stand part of the question:—Ayes 79; Noes 10: Majority 69.

List of the Ayes.

Aldam, W.
Arundel and Surrey, Earl of
Baine, W.
Bannerman, A.
Barnard, E. G.
Barron, Sir H. W.
Bellew, R. M.
Berkeley, hon. C.
Berkeley, hon. Capt.
Bernal, R.
Borthwick, P.
Bridgeman, H.
Brotherton, J.
Brown, W.
Browne, hon. W.
Bruges, W. H. L.
Colebrooke, Sir T. E.
Collett, J.
Cowper, hon. W. F.
Crawford, W. S.
Dodd, G.
Duncan, G.
Dundas, D.
Entwisle, W.
Escott, B.
Evans, Sir D. L.
Ewart, W.
Forster, M.
Fox, C. R.
Gore, hon. R.
Greene, T.
Grey, rt. hon. Sir G.
Hatton, Capt. V.
Hawes, B.
Henley, J. W.
Hobhouse, rt. hon. Sir J.
Howard, P. H.
Hume, J.
Hutt, W.
Jervis, Sir J.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Layard, Capt.
Lincoln, Earl of
Macaulay, rt. hon. T. B.
M'Donnell, J. M.
Maitland, T.
Mitcalfe, H.
Moffat, G.
Morpeth, Visct.
Morris, D.
O'Connell, M. J.
O'Conor Don
Parker, J.
Pigott, rt. hon. D.
Plumridge, Capt.
Protheroe, E. D.
Pulsford, R.
Pusey, P.
Russell, Lord J.
Scrope, G. P.
Sheil, rt. hon. R. L.
Smith, rt. hon. R. V.
Stewart, P. M.
Strutt, E.
Tancred, H. W.
Thornely, T.
Towneley, J.
Turner, E.
Vane, Lord H.
Wakley, T.
Warburton, H.
Ward, H. G.
Wawn, J. T.
Wilshere, W.
Wood, rt. hon. C.
Wyse, T.
Yorke, H. R.

TELLERS.
Tufnell, H.
Marcus, Lord M.

List of the Noes.

Blackburne, J. I.
Douglas, Sir H.
Fuller, A. E.
Jones, Capt.
Lindsay, hon. Capt.
Lygon, hon. Gen.
Palmer, G.
Shaw, rt. hon. F.
Spooner, R.
Trotter, J.

TELLERS.
Estcourt, T. G. B.
Sibthorp, Col.

Bill read a Second Time.

COLONIAL OFFICE.

Mr. V. SMITH inquired whether any alteration had been made in Mr. Gladstone's arrangement for the appointment of an Assistant Under Secretary to the Colonial Department? Mr. Gladstone had appointed Mr. Rogers to the situation of Assistant Under Secretary to the Colonial Department, and proposed to pay his salary by a reduction in the number of the clerks, thereby doing injustice to those gentlemen, and injury to the business of the office. If the appointment were to be maintained, a better mode of providing the salary would have been to have come down and to have asked Parliament for the money. He wished to know whether the present Government intended to continue such an arrangement?

Mr. HAWES was not prepared to go into the general merits of the question; but, in the opinion of his noble Friend at the head of the Colonial Department, the appointment of Mr. Rogers was an efficient and necessary one. With respect to the general efficiency of the clerks in the Colonial Department, he could cheerfully bear his testimony. More efficient or able gentlemen were not to be found in any department.

Lord JOHN RUSSELL said, that having been for some time at the head of the department in question, he could agree only partially in the view which appeared to be taken of the matter by his right hon. Friend (Mr. Vernon Smith). It might be all very true that Mr. Stephen, as Under Secretary, had, until lately, required no assistance to enable him to perform the duties of the office, and Mr. Stephen had been for five years in the department; but the question was, in what manner the duties of the office could be best performed in years to come. Mr. Stephen's position was a peculiar one. Besides its general and miscellaneous duties, he was charged with the examination of all the colonial enactments passed in our various settlements. Now, he took it, that the mere statement of such onerous duties was quite sufficient to make anybody understand that it was necessary, in their performance, to look over and examine a vast multitude of enactments—a task which could not be satisfactorily performed without previous knowledge of the Colonies, as well as some acquaintance with the principles and practice of law. Under these circumstances the appointment had taken place, Mr. Rogers being a gentleman of high legal character and standing. With respect to the manner of the appointment, however, he agreed with his right hon. Friend in deprecating it; and he shared his feelings with respect to the senior and junior clerks, who were not too many, and who numbered among them many men of distinguished talent. Considering the length of Mr. Stephen's services, he was inclined to approve of the assistance to be given to him, and he certainly did not think that the department would be benefited by any reduction of the number of clerks employed.

The EARL of LINCOLN said, that the appointment in question required a gentleman of the legal profession, and for that reason alone a strangor had been introduced into the office. The noble Lord had concurred in condemning the mode in which the arrangement was made; but his right hon. Friend, Mr. Gladstone, would have been glad to have adopted any other mode. He had had no wish to act harshly towards the clerks in the department, but had been anxious to carry out an efficient arrangement for the public service, without incurring any public additional public charge. As some severe comments had been made on his right hon. Friend out of the House in reference to this matter, he felt bound to say that his right hon. Friend introduced Mr. Rogers into the office, not because he was a friend of his own, but because it was absolutely necessary to have a lawyer in the situation, and the whole arrangement was made without additional charge to the public.

SPIRIT LICENSES AND DUTIES BILL.

On the Motion for the Third Reading of the Spirit Licenses and Duties Bill,

MR. WAKLEY begged to state, that the chymists and druggists were by no means satisfied with this Bill, which, if passed, would place no fewer than 3,000 chymists and druggists under the Excise laws, and compel them to take out spirit licenses. Now, this was a very objectionable measure, and as it had been before the House only since the 27th of July, he would ask the right hon. Gentleman whether he considered it fair that a Bill, affecting so extensively such a large class of persons, should be pushed so hastily through the House? What the parties complaining of the measure required was more time to consider the question. The druggists throughout the country knew nothing whatever of the measure; those resident in London had not had time to consider it; and if it passed, the Members of that House would be sure to hear from their constituents complaints, loud and long, as to its provisions. Nothing but the strongest necessity could justify such a measure; but all he now asked from the right hon. Gentleman was, that he would allow the Bill to be postponed to Monday week, in order to give full time for its consideration.

The CHANCELLOR OF THE EXCHEQUER said, the Bill arose from a case of absolute necessity; it was prepared by the late Government in consequence of great frauds having been discovered by the sale of spirituous admixtures on the premises of chemists and druggists. He had already stated to the House that certain amendments were proposed to be made in the Bill, which he understood to be satisfactory to a deputation which had waited on him. He would, therefore, propose that the Bill be now read a third time; that it be reprinted with those amendments, and the further progress of the Bill postponed until that day week, when ample time would be given for considering the measure, as amended, before it could finally pass the House.

Bill read a third time. To be reprinted with amendments. Further proceedings on the Bill adjourned.

GAUGE OF RAILWAYS BILL.

On the Motion that the House go into Committee on the Gauge of Railways Bill,

MR. P. M. STEWART complained that while it recognised the principle laid down by the Commissioners appointed to investigate the subject, namely — deprecating the broad gauge as highly injurious, and recommending the narrow gauge as being best adapted for the country, it yet went on to enact that the existing broad gauge should be doubled in extent; that 500 miles more should be added to that which was already laid down. He saw the Chairman of the Great Western Railway Company (Mr. Russell) present, and he gave him great credit for the spirit in which that company carried out their arrangements, and did not mean to be a party to saddling that company with the loss connected with any alteration of the gauge; but still he thought that this measure did not settle the question in a manner becoming its great importance. There could be no doubt that sooner or later they would feel the dangers, and difficulties, and hindrances attending a diversity of gauge throughout the country, and must come to some resolution in favour of a uniformity of gauge; but this Bill, so far from remedying, multiplied the inconveniences and increased the difficulties of the present system, for while we had 3,000 miles of railway, 2,700 of which were constructed on the narrow gauge, and only 300 on the broad gauge, this Bill, which professed to denounce the broad gauge, and uphold the necessity of the narrow gauge, actually enacted that the broad gauge should be extended 500 miles further. Was that a proper way of dealing with the question, or carrying out the suggestions of the Commissioners? By adopting such a course, the House was but creating difficulties it would have hereafter to encounter; and he therefore asked on what principle it was that this compromise between the broad and narrow gauge was brought forward? He wished to know, too, who was the author of a measure which compromised the question in this way.

Mr. M. GIBSON said, that the hon. Member had asked for the authorship of this Bill. He (Mr. Gibson) thought he might say with propriety that Parliament itself was responsible for the Bill, seeing that its object was to carry into effect a resolution adopted unanimously by both Houses of Parliament. He could not quite agree with the hon. Member in thinking that this measure would increase the evil of a break of gauge. The fact was simply this—there were a number of Bills which had been passed this Session, in which there was no special clause providing for a particular gauge; they were left to a choice of gauge, and this Bill defined the gauge upon which the companies were to construct their works, in order that the broad gauge should be limited throughout the country. It did not interfere with those companies that had a clause in their Bill providing for the particular gauge on which they should be constructed; it only provided that the railways for which Bills had been obtained without providing for a particular gauge, should be constructed in a way most suited to effect the object which his hon. Friend had in view, namely, to have the least amount of broad gauge consistent with convenience and the greatest amount of uniformity. He agreed with his hon. Friend that uniformity was exceedingly desirable as a national object; but where was the money to come from to effect it?

Mr. PROTHEROE would be sorry to see the broad gauge proscribed altogether. He did not speak as a scientific man; but he asked any Gentleman who had travelled by the Great Western line, if he had ever been conveyed with equal comfort, or on a railway where the carriages were larger, more commodious, or better ventilated? He (Mr. Protheroe) knew of none.

House in Committee.

Bill passed through Committee.

House resumed. Report was ordered to be received.

PAYMENT OF THE IRISH CONSTABULARY.

Mr. LABOUCHERE then moved, pursuant to notice, for leave to bring in a Bill to provide for removing the charge of the constabulary force in Ireland from the counties, and for enlarging the reserve force; and to make further provision for the regulation and disposition of the said constabulary force. They would all recollect that the late Government had pledged itself to the counties of Ireland to introduce such a Bill. The Government had thought it necessary, after consulting competent authorities, to ask for the discretionary power of adding about two hundred men to the reserve body of the present constabulary force in Ireland. But these and all the other details of the subject, into which he did not then think it necessary to enter, would be better and more fully explained in the Bill itself than by any statement which he could make.

Mr. BROTHERTON thought the principle of this Bill was objectionable. It was wrong, he thought, to ask such a town, for instance, as Manchester, which paid 30,000*l*. a year towards the expenses of its own police force, or other towns similarly circumstanced, to contribute to the support of the metropolitan police, or the police of Ireland.

The O'CONOR DON said, the hon. Member ought to have made his objection to this measure during the discussions on the repeal of the Corn Laws, when Sir R. Peel had introduced it expressly as a proposition affording some compensation to a country upon which the intended Corn Bill was likely to press so severely.

Colonel SIBTHORP said that, in his opinion, the promised compensation to Ireland for the passing of the new Corn Bill, savoured very much of bribery. He agreed with the hon. Member for Salford, that Ireland ought to pay the cost of maintaining her own police.

House adjourned at a quarter to Ten o'clock.

HOUSE OF LORDS,

Friday, August 7, 1846.

Minutes.] Public Bills.—1ª· Baths and Washhouses (Ireland); Court of Common Pleas.

2ª· Citations (Scotland); Books and Engravings.

Reported. Consolidated Fund.

3ª· and passed. Marriages (Ireland) Act Amendment; Baths and Washhouses; Ecclesiastical Patronage; Art Unions.

Received the Royal Assent. Militia Ballots Suspension; Ordnance Survey; Newfoundland; Cheshire Returning Officer.

Petitions Presented. From the Mayor, Aldermen, and others, of the City of Hereford, in favour of the Small Debts Bill.—From York, for the Abolition of Flogging in the Army.

HOUSE OF COMMONS,

Friday, August 7, 1846.

Minutes.] Public Bills.—1°· Commons Inclosure (No. 2); Medical Practitioners.

2°· Lunatic Asylums and Pauper Lunatics Act.

Reported. Sugar Duties (No. 3); Naval Medical Supplemental Fund Society; Fisheries (Ireland).

3°· and passed. Copyhold Commission; Turnpike Acts Continuance; Stock in Trade; Highway Rates; Loan Societies.

Petitions Presented. By Mr. Bright, from Inhabitants of the Town of Halstead, for the Adoption of Measures for promoting the Due Observance of the Lord's Day.—By Mr. Bright, from several places, against the sanctioning, by Votes of Money or otherwise, any further Embarkation of Troops from the United Kingdom to Foreign or Colonial Countries.—By Mr. Thomas Duncombe, from Honorary Secretary and Members of the Galway Fishing Committee, for Alteration of the Law respecting Irish Fisheries.—By several hon. Members, from various places, for the Immediate Abolition of Naval and Military Flogging.—By Dr. Bowring, from Abraham Jones Les Cras, of Alderbury Lodge, Les Vaux, Saint Helier, Author of a Work, entitled, "The Laws, Customs, and Privileges of Jersey," for Abolishing the Parish Assembly of Saint Helier, and erecting that Town into a Corporate City.—By Mr. Hume, from the Military Knights of Windsor, for placing their Institution under the Charitable Trusts Act.—By Sir FitzRoy Kelly, from Proprietors and Publishers of Provincial Newspapers, for Alteration of the Law of Libel.—By Mr. Knight, from Ratepayers of Conderton, in the Parish of Overbury, for Alteration of Lunatics Act and Lunatic Asylums and Pauper Lunatics Act.—By Sir William Codrington, from Poor Law Officers of the Stow on the Wold Union, for a Superannuation Fund for Poor Law Officers.—By Captain Pechell, from F. H. Maberly, alleging Invention of Improvements in Steam Vessels.—By Mr. Thomas Duncombe, from Thomas Mitchell, of 14, Ashford Street, Hoxton, for Inquiry into the Management of the Post Office.—By Mr. Traill, from Kirk Session Clerks of the Presbytery of Caithness, for the Adoption of a System of Registration of Births in Scotland.—By several hon. Members, from various places, for the Adoption of Measures for Redeeming and Extinguishing the Tolls upon Waterloo, Southwark, and Vauxhall Bridges.

THE WELLINGTON STATUE.

Mr. C. BERKELEY wished to put a question to the noble Lord the Chief Commissioner of Woods and Forests. He had received a communication from his noble Friend, asking him to postpone his Notice of Motion on this subject, which stood on the Paper to-day. He was quite ready to consult the convenience of his noble Friend, if good and valid reasons for the postponement of the Motion were given; but certainly, unless good reasons were assigned for its postponement, he should not feel justified in acting on the suggestion of his noble Friend. He understood his noble Friend had been in communication with Her Majesty the Queen, respecting the erection of the statue of the Duke of Wellington upon the arch at Hyde Park Corner; and he wished to ask his noble Friend whether Her Majesty's own free and unbiassed opinion was, that She could not retract the consent She had been advised to give by the noble Lord who was formerly Chief Commissioner of Woods and Forests to the erection of the statue in that position, or whether his noble Friend had advised Her Majesty not to do so? If Her Majesty's own feelings had been acted upon in relation to this subject, he would have nothing more to do with the matter; but if his noble Friend had again advised Her Majesty as to the course which should be taken, he (Mr. C. Berkeley) would call upon the House to give Her Majesty what he conceived would be much better advice, and much more in accordance with real taste.

Viscount MORPETH would state precisely how the case stood; and he hoped his hon. Friend would consider there was sufficient reason for postponing his Motion, at least for not bringing it on that night. After what occurred in the House the other day, he (Lord Morpeth) made a communication to the sub-committee of the Wellington testimonial, to which he received a reply on Tuesday afternoon. On Wednesday morning he waited upon Her Majesty; and in the evening he sent a reply to the communication of the sub-committee. Yesterday he received from the sub-committee the following note acknowledging the receipt of his letter:—

"The sub-committee of the Wellington memorial beg to acquaint Lord Morpeth that they have to make, in reply to his letter to the Duke of Rutland, a very important communication; but, in consequence of his Grace being obliged by his indispensable engagements to leave town this morning, they are compelled to postpone it for two or three days. Under these circumstances, they hope that Lord Morpeth will not think it necessary to make any public declaration until he shall have an opportunity of considering their communication."

He had begged that the communication to which this letter referred might not be delayed beyond to-morrow; and he hoped that any unnecessary delay would be avoided.

ARMS (IRELAND) ACT.

Mr. **BERNAL OSBORNE** wished to put a question to the noble Lord at the head of the Government as to his intention to propose the renewal of the Irish Arms Act. A great many Irish Members were detained in town in consequence of the notice which had been given on this subject; and he hoped, therefore, that the noble Lord would now state his reasons for proposing the renewal of the Act, and whether it was the intention of the Government to retain the registration and branding clauses?

Mr. **LABOUCHERE** said, it was more convenient that he, rather than his noble Friend (Lord J. Russell), should answer the questions of the hon. Gentleman. It was a somewhat unusual course to ask the Government to state their reasons for proposing a measure which was not actually under discussion; but he was obliged to the hon. Member for affording him an opportunity of making a short statement on this subject. He could assure his hon. Friend that the step the Government had determined to take with reference to the measure to which he had alluded, had not been resolved on without mature consideration. He had not altered any opinion he had ever held with regard to the Arms Act. He considered that many of its provisions were most objectionable; and the working of the measure had not tended to change the unfavourable opinion he had originally entertained of it. He must state, however, to his hon. Friend and the House, what was the position of the Government with regard to this measure. They had come to the conclusion that it was impossible altogether to dispense with it; they were satisfied that they would not be justified in leaving Ireland without some of the provisions contained in that measure; and he believed that this feeling was entertained by a great majority of those Irish Gentlemen who were really acquainted with the condition of Ireland. The Government had to consider whether they should endeavour to alter the present Arms Act—to take from it those provisions which they thought objectionable, leaving those which they considered necessary and useful. With that object the measure was carefully considered; but it was found that the provisions of the Act were so much complicated and mixed up, that it would have been utterly impossible, without a very long period of consideration and deliberation, to adapt the measure to their views. The Government had, therefore, to consider what course they should pursue; and they come to the conclusion that the best course was to ask the House to intrust to them the power granted by the existing Arms Act, to be exercised on their responsibility, and to be continued only for a limited period, promising that early in the next Session they would bring forward such a measure as, after due deliberation, they might feel justified in recommending. He begged to call the attention of the House to a circumstance which would indicate what were the views of the Government on this subject. The measure proposed by the Government was a continuance Bill; but was not a continuance Bill of the usual kind for one year. The Government had introduced an express provision into the Bill that it should expire on the 1st of May next year, thereby giving a pledge to the House that they would at as early a period as possible bring the subject under the consideration of the Legislature. He had directed his attention to the branding and registration clauses; but, after consultation with others, and after due inquiry, his impression was that it was advisable to pass the measure in its present form, without attempting any of those piecemeal alterations which he considered very dangerous with regard to a Bill of this nature. He could only say, that in the measure he had most reluctantly introduced on this subject, he had at least given a pledge of the sincerity of his desire to bring forward the whole question early next Session, with a view to the revision and amendment of the law.

FLOGGING IN THE ARMY.

Lord **J. RUSSELL**: In rising to move the Order of the Day for the Committee of Supply, I will answer those inquiries which my hon. Friend the Member for

Bolton made with respect to corporal punishment in the army. In so doing I will state what has been done by the Commander-in-Chief of the army; but previously I beg to say that I wish neither to have the credit of suggesting any alterations which the Commander-in-Chief has thought proper to make, nor to shrink from any responsibility with respect to the limit at which the Commander-in-Chief has stopped, declining to comply with what appears to be a wish among some persons, that there should be a total abolition of corporal punishment in the army. I say, therefore, that the plan that has been at present adopted, is the plan of the Duke of Wellington; and I conceive that the Duke of Wellington is perfectly right in saying that, as matters stand at present, corporal punishment ought not to be totally abolished in the army. The House should know what is the existing regulation with respect to corporal punishment in the army. By the articles of war, no offender convicted before a general court-martial is liable to be sentenced to any corporal punishment exceeding 200 lashes; the punishment of an offender convicted before a district or garrison court-martial cannot exceed 150 lashes; and if convicted before a regimental court-martial the punishment cannot exceed 100 lashes. Now the Duke of Wellington, in taking this subject into consideration, has given directions to the officers to whom the duty appertains of ordering such courts-martial, that by no court-martial whatever, whether general, district, garrison, or regimental, shall any greater punishment be inflicted than fifty lashes. This is a very considerable diminution, and this the Commander-in-Chief has ordered to be carried into effect throughout the army. He has also at the same time given special directions that every precaution shall be taken in order to ascertain the state of health of any soldier who shall be sentenced to corporal punishment, for the purpose of knowing whether it is such as to enable him to bear the punishment ordered. He has likewise directed that other circumstances should be attended to, such as any extreme heat or severity of weather, or any other circumstance whatever which might make the infliction of corporal punishment dangerous to the offender. Such, then, are the directions given by the Commander-in-Chief in respect to corporal punishment in the army. Now, I know that many persons wish, and my hon. Friend the Member for Bolton has given notice of a Motion for the purpose, that corporal punishment in the army should be at once and totally abolished. I think that every one must desire, and I am sure that the Ministers desire that it may be possible, to keep the army in a high state of discipline without the infliction of any corporal punishment whatever. I should be glad, for my own part, to see the day when corporal punishment should be entirely abolished. But I do think that the maintenance of the discipline of the army is a paramount object. I consider that a well-disciplined soldiery is a protection to the country to which it belongs, and a terror to the enemy which it has to meet; but an ill-disciplined soldiery, on the contrary, is a terror to the country to which it belongs. and an object of scorn to the enemy which it has to oppose. I, therefore, consider that the Duke of Wellington is perfectly right in making the proposed reduction without taking any ulterior steps; because, if we are to look to the abolition of corporal punishment, and at the same time to the maintenance of discipline—which I think I perceive that this House values as highly as I have just stated that I do myself—that object can only be effected by two modes: one mode is, that we should be able to ascertain that there is some other kind of punishment which is as effective, and which will maintain as high and complete a state of discipline as that of which the British army is at the present moment justly proud, and which the House must acknowledge that it possesses; the other mode is, by changing the moral feeling of those who belong to the army, so that other punishments, and other methods of government, will have a greater effect, and produce a stronger impression, than they do in the present state of the military service. To both these objects have those who have commanded the army in late times—Lord Hill, the Duke of Wellington, and the several Secretaries at War who have succeeded each other, Lord Howick, Mr. Macaulay, Mr. Sidney Herbert, and my hon. Friend who is now in that situation—applied themselves. The question of other punishments has been much discussed; and in 1835, I think, a Commission sat for the purpose of considering different methods of imprisonment, for short periods, in military prisons connected with the barracks; and for taking into consideration improved military prisons, where solitary confinement could be inflicted. A great advance has been made on this subject. A considerable number of buildings have been constructed; in other instances prisons have been altered; but as yet the system has not come into complete alteration. The following is an account in reference to these prisons:—

> "Military prisons have been established at—
>
> "England and Scotland.—Fort Clarence, for 200 persons; Weedon, for 100; South Sea Castle, for 80 to 100; Greenlaw, for 100 to 150; and Devonport, for 30.
>
> "Ireland.—Dublin, for 100; Cork, for 80; Limerick, for 80; and Athlone, for 40.
>
> "These are the old provost prisons used experimentally, but upon the new system. It is intended to erect entirely new prisons at Dublin and at Cork, and to maintain Athlone.
>
> "Abroad—Canada.—A prison erected at St. Helen's is nearly ready, if not quite ready, for occupation.
>
> "Gibraltar.—A part of the old provost prison has been converted into a military prison. Mr. Vouleks has been superintending the discipline, and a governor is now going out.
>
> "Ionian Islands.—Plans for a new prison ordered.
>
> "Malta.—Plans for converting St. Elmo into a military prison ordered.
>
> "Nova Scotia.—Plans for a prison at Halifax ordered.
>
> "Newfoundland.—A stone building on Signal-hill proposed. Plans called for.
>
> "West Indies.—A Committee of officers ordered to report upon the works required for prisons and cells in the different islands.
>
> "Cape.—Inquiry as to best means of military imprisonment.
>
> "Mauritius.—Prisons to be erected. Plans called for.
>
> "Bermuda and China.—Plans and estimates called for.
>
> "Cells for short imprisonments have been certified at almost every barrack-station in this country, and at very many abroad."

In regard to the cells for short imprisonments, they have been prepared very recently. Major Jebb has been engaged on this subject for the greater part of the last year, and almost in every barrack-station cells are now constructed. At the same time, this system is for the greater part new. The prisons are not completed, and with respect to several of our foreign stations, the account I have read to the House shows that they are only in the commencement of erection, or form subject of inquiry. With, respect, however, to the infliction of corporal punishment, there has been a considerable diminution, in consequence of the application of these other modes of punishment. I will read a return on this subject:—

A RETURN SHOWING THE RATIO OF CORPORAL PUNISHMENTS TO THE STRENTH OF THE ARMY DURING THE LAST EIGHT YEARS.

Adjutant-General's Office, July 27, 1846.

Years.	Average Effectives.	Number of Corporal Punishments.	Ratio.
1838	96,907	894	1 man in 108
1839	103,152	843	1 — in 122
1840	112,653	874	1 — in 129
1841	116,369	925	1 — in 126
1842	120,313	862	1 — in 140
1843	123,452	637	1 — in 194
1844	125,105	645	1 — in 194
1845	124,252	659	1 — in 189

Therefore we may say that at present the rate is that only one man in 190 receives corporal punishment in the course of the year. Now, if any one bears in mind what was the case formerly with respect to corporal punishment, that the number of lashes, according to the orders contained in the articles of war, have been very much diminished, and that the number of persons punished is also very much less than the amount in former days, it must be confessed that there has been a great change with respect to the infliction of corporal punishment in the army. The second method through which corporal punishment may be reduced, and may at length altogether cease in practice, is by the improvement of the moral condition of the soldier, inducing him thereby to the maintenance of a better and more orderly behaviour, so that he should be deterred from the commission of offence more through a feeling of shame than by the mere infliction of punishment. On this point, likewise, a very great change has taken place of late years. In the first place, rewards have been established for good conduct, and also increased pay after a certain number of years. There have also been more frequently given—what I remember used to be very much required—commissions in the army to private soldiers; and I am informed that in the course of the present year, that is to say, between the 31st of December last to this time, thirty commissions have been given to private soldiers in the army, and sums also furnished them for the outfits necessary on the acceptance of those commissions. With respect likewise to the improvement of the minds of the soldiers, and to the direction of their attention to subjects likely to induce them to maintain a more orderly conduct, and render them less liable to intoxication, my right hon. Friend the Secretary at War stated the other day the pains which have been taken to establish soldiers' libraries in the United Kingdom. No less than 100 libraries have been established, containing no less than 60,000 volumes. I believe this will lead to a very great improvement in the army. A normal school is likewise projected. The late Secretary at War was one of the advisers of that excellent plan; and it certainly is most desirable that instead of the school at Chelsea, which I used to think useless to the public, there should be a normal school for the purpose of providing good regimental schools. To young men entering the army these schools and libraries will be of the greatest possible use. I happened many years ago to be, in consequence of an official appointment, at the head of the establishment at Chelsea. The men there being constantly in the public-house, I proposed that they should have a certain number of small gardens in which they might employ themselves. That plan was successful; 130 small gardens were granted, in the cultivation of which the men delighted, and from which they derived some small profit; and yet I remember being told at the time I made this proposal that I did not understand soldiers; that they might take to the gardens for a short time, but that they would go back to the public-house again. Now, I believe that every person who understands anything of human nature, will admit that, if you encourage persons in idleness, they will be idle; but that, if you give them the fit and proper means of employment, they will make use of those means for their own advantage. With respect to another subject, a great change has taken place in the army. When I was at the head of the Chelsea establishment, I remember speaking to some experienced officers respecting the utility of establishing savings banks in the several regiments. I was told, that the old officers had objections to it, and I heard that an officer, who came with his regiment from Malta, hearing that savings banks were established in his regiment, would not allow them, but ordered the money to be returned to the men to be spent. I believe the disposition existing in the army with respect to this matter is now different, and that regimental savings banks are now encouraged. Indeed, everything calculated to elevate the soldier is anxiously promoted by the military and civil authorities connected with the army. These questions do not occupy the attention of the Commander-in-Chief merely for a single day or week, with the view of producing some great plan on the subject, but they engage the attention of the military and civil authorities continually, with a view to the maintenance of the discipline of the army, and at the same time of diminishing, as far as possible, the necessity for corporal punishment. I trust that I have now stated enough to induce my hon. Friend the Member for Bolton to forego the Motion of which he has given notice. I am sorry to see that he does not assent to my proposal. I must, therefore, go on to make one or two statements with respect to this subject, which I think will merit the attention of the House. In 1835, there was a Commission appointed on this subject, and that Commission was composed of Lord Wharncliffe, Lord Sandon, and other civil as well as military authorities. The Commissioners, after examining a great many witnesses, from Field Marshal the Duke of Wellington down to several privates in the Guards, as well as officers of all the intermediate ranks, came to the conclusion—and this is the opinion of almost every witness—that the substitution of other punishments for corporal punishment in the army on actual service and in the field, is impracticable, and, if practicable, would be insufficient for the maintenance of proper discipline. Their fourth Resolution was to the following effect: That it appears that even supposing that some effective substitute was devisable, or that those punishments now in use were made more effective, so as to render corporal punishment ultimately unnecessary, still it would be unsafe to proceed at once to abolish it entirely; but that the abolition should be gradual. Such was the opinion given by that Commission, some of the members of which were politicians, others military and civil authorities of experience. I think that the military authorities have proceeded on that opinion, endeavouring to reduce as much as possible the amount of corporal punishment, and to substitute other punishments in its place. I consider that this House ought not, at the end of the Session, suddenly—perhaps in consequence of some occasion that would hardly warrant a material alteration of military law—to carry any resolution by which the whole system of military discipline would be altered, and the confidence of the army in general, both in those military authorities which are placed over them, and in the Government of the Queen, would be materially shaken. I cannot but think, even if my hon. Friend professes no confidence in the expressed desire and wish of the present Government, to see this corporal punishment retained only as long as it is absolutely necessary; still it is due to that illustrious man who is at the head of the army to rest satisfied with the orders he has now given, showing, as those orders do, the utmost desire to consider both the benefit of the army and what is due to humanity on this subject. Even omitting any reference to the glorious achievements of that Chief, I think that sixty years spent in the army in every position—serving in the lowest ranks, and afterwards raising himself up to that eminence which he has attained, I think that the experience which he has had in commanding armies, both in the field and at home, as well as the knowledge he possesses of the modes of discipline pursued in other armies, should entitle him to the confidence of the House with respect to the mode in which he proposes to carry on the discipline of the army. For my part, I tell you, as I told you at the beginning, that these are the views which the Commander-in-Chief takes, and in which the Government entirely concur with him. I ask this House, therefore, to pause before they adopt an inconsiderate resolution. I ask hon. Members to rest satisfied with what has been done in the way of useful improvement; and if they wish not to mar the fair work which has been commenced, to abstain from interposing a Resolution of this House in the way of the reforms I have stated. The noble Lord concluded by moving that the Order of the Day for the Committee of Supply be now read.

Dr. BOWRING never rose under emotions of such heavy and painful responsibility as now oppressed him. He did justice, as all would, to the tone and temper in which the noble Lord had addressed the House; but it was to him (Dr. Bowring) a matter of grief and disappointment that the noble Lord had come to the conclusion at which he had arrived. It might have been hoped that public opinion, which had removed such a mass of the abominations connected with military flogging in our past history—that opinion being now again called into energy, and reaching every bosom—would have so influenced the Government as to persuade them that the total abolition of military punishment by flogging could be safely delayed no longer; that we must get rid of it at once and for ever; that not a fragment or a vestige could be any longer tolerated; and that the House was to consider what was the constitution of the army and what measures were to be taken for preserving its discipline, but always bearing in mind that the lash was no longer to be visited upon the soldier. When he (Dr. Bowring) considered the illustrious names connected with the various modifications of this system which had from time to time marked the progress of benevolent legislation; when he considered how much of kindness, of wisdom, of eloquence, had been engaged in this cause, he felt that it had fallen into feeble hands; but he felt also that after all, one single word, one sole and solitary argument was brought forward—the argument of "necessity" which had been put forward by all tyrants, the justification of every misdeed, from the beginning of time. Torquemada, when he burnt his tens of thousands by the Inquisition, defended it with the plea of "necessity;" Charles IX., when he ordered the Massacre of St. Bartholomew, satisfied his conscience by the belief that "necessity" demanded the frightful outrage; slavery and the slave trade were long justified by the same plea. When 1,500 lashes were laid upon the back of a human being, "necessity" was put forward as the excuse; and necessity had justified everything that was done by tyrants. But he (Dr. Bowring) hoped to be able to show that necessity did not warrant the retention of any portion of this abominable system, and that the day had arrived in which the House ought to determine that, whatever was to be substituted in its stead, military flogging could no longer be endured. Time was when in our West India Colonies the lash was laid upon the back of the slave without interference and without responsibility, and when the power of life and death was practically held by the slaveowner, as much as it was by a Grecian or a Roman master in the worst period of domestic slavery; but before slavery in our Colonies was overthrown, legislation had gone so far as to deny to the master the power of inflicting more than twenty-five lashes, and to limit that to cases of theft, repeated desertions, and refusal to work. Education, too, had progressed, and flogging had been done away in the majority of our public schools; it was felt to be far better to act by moral power upon the hopes and the fears of the child as well as of the man. Seeing, moreover, that whereas there were once more than 200 capital offences on our Statute-book, and that 19-20ths of them were now capitally punished no longer, he (Dr. Bowring) could not but feel encouraged in asking for some mitigation of our military code. What was the character of the punishment in question? Let the House hear how it was described by the late Dr. Fergusson, Inspector General of Military Hospitals, in his *Notes and Recollections of a Professional Life*, edited by his son; and let it be borne in mind that if the power was retained at all it might be exercised to an incredible extent; in Russia the knout was managed with such dexterity that by twelve blows a human being could be deprived of life; and the preservation of this power here would deliver its victim over to the dominion of an unregulated despotism. Dr. Fergusson said—

> "After the termination of the expedition to Holland in the year 1799, the 5th Regiment was established at Silverhall Barracks, in Sussex, where a marauding soldier of the light company broke into a neighbouring farm under the cover of night, severely wounded with his bayonet the woman of the house when she tried to save some of her property, and perpetrated as much outrage as a single man without accomplices could well inflict. There can be no doubt that such a ruffian should immediately have been given over to the civil power, and hanged, or executed before the assembled troops by sentence of a general court martial; but he was brought before a court martial of the regiment, and sentenced to receive a thousand lashes. When brought up for punishment, he stripped as if in scorn, and presented as fine a model of compact form, hard muscle, and dark thick skin, as ever I beheld. The drummers were well-grown sturdy lads, who had always performed their duty well, and to them, after the punishment began, he particularly directed his abuse, daring them to do their worst, for they would never extract a single groan from him. Seven hundred and seventy-five lashes were most severely inflicted, when, perceiving from his countenance alone that nature was giving way, I had him taken down and carried to the hospital. In a few weeks he was reported cured, and the commanding officer declared that the sentence should be inflicted to the utmost lash. He was accordingly brought out again. It was winter, and the snow was on the ground. He was tied up with his back to the wind, and the punishment began. At the first lash the newly-organized skin gave way, the blood streamed down his back, and he who, on the first infliction, was all defiance, now writhed and cried out. As the flogging proceeded the lash became clogged with blood, which at every wave of the drummer's arm was driven in showers by the wind over the snow-covered ground; his cries became actual yells, and the integuments of his newly-cicatrized back were cut literally in pieces. I stopped the punishment when he had received sixty lashes; but his second cure was now a very different affair. Healthy suppuration could not be established after such reiterated injury, and sloughing and deep-seated abscesses were formed amongst the great muscles of the back. When I left the regiment, on promotion, some months afterwards, he was still in the hospital, a poor hectic wretch, utterly broken down from the terrible effect of the second flogging. I never learned whether he ultimately recovered."

In Dr. Marshall's *Military Miscellany* there was quoted the case of an officer who had been a drummer, and who said—

> "For eight years it was my disgusting duty to flog men at least three times a week. After a poor fellow had received about one hundred lashes, the blood would pour down in streams, and fly about in all directions, with every additional blow of the cat; so that by the time he had received three hundred, I found my clothes all over blood from the knees to the crown of the head. Horrified at my disgusting appearance, I have, immediately after parade, run into the barrack-room to escape from the observations of the soldiers, and to rid my clothes and person of my comrade's blood. Here I have picked and washed off my clothes pieces of skin and flesh that had been cut from the poor sufferer's back."
>
> "Men have declared to me," says an officer, "that the sensation experienced at each lash, was as though the talons of a hawk were tearing their flesh off their bones."

There was a case reported in *The Times* of the 31st of July, the punishment of a man in a dragoon regiment, for an impudent expression addressed to his superior officer, a lance-corporal; and it was well known that that paper was particularly guarded in not admitting communications without having ascertained beforehand that they merited attention and emanated from competent authority. The writer said—

> "He was a fine young man, but being given to habits of intemperance, and the use of insubordinate language, the officers, it was said, were determined to make an example of him. He was accordingly tried by a regimental court martial, and sentenced to receive 100 lashes. That punishment the writer saw inflicted. The victim was tied with cords by the wrists and legs to four staples driven into the wall of the riding-school (not to a ladder), and being a fleshy man he had not received six lashes before he began to show signs of suffering, and prayed the colonel to forgive him. In a few more minutes his cries and groans were really soul-sickening. Sentries were sent round to drive the civilians from the barrack walls, lest they should hear them; and he who, perhaps, had never called upon his Maker seriously before, now did so most vehemently, to deliver him from that agony; his words still ring in my ears—'Christ Jesus, have mercy upon me! What is this for? Oh! what have I done to deserve this?' And in his dreadful writhings he drew one of the staples out of the wall; but they flogged on, never minding, until his head fell back, and it appeared to me that he received the last twenty-five lashes while in a state of insensibility."

He remembered that the latest years of a venerable friend of his, Jeremy Bentham, were tortured in consequence of his residence being adjacent to a flogging-yard; and he had often spoken of his agony when he heard the shrieks of the soldiers under the lash. In the same number of *The Times* there was also given the testimony of Mr. Abernethy, as recorded in Dr. Carlyon's *Early Years and Late Reflections:* and it was stated—

> "One of the severest operations of surgery is that for the stone, which, when skilfully performed, is not, upon an average, more than a few minutes in hand. Whereas a soldier has not unfrequently been fixed to the halberds under the lash for more than an hour; and every lash, until the sensibility of the parts may have been destroyed with their texture, was, perhaps, equivalent to the incision through the skin in the operation to which I have alluded."

And so the British soldier was still to be subjected to a punishment which might be equal to fifty incisions for the stone! It was among the worst features of it, that the punishment was uncertain; it must depend on the strength, the dexterity, and the *animus* of the flogger, on the length of the handle, the character of the cord, the number and size of the knots—none of which things appeared to be regulated by law. It must depend also upon the susceptibility of the sufferer; for though there was to be a previous inquiry into the health of the individual subjected to this castigation, yet who could doubt that to a man of delicate structure, though his general health might be good, the punishment of fifty lashes was a very different thing from what it was upon a man of robust temperament? In fact, it was impossible to say what the human frame in some instances might not endure. Dr. Fergusson stated—

> "Mr. Guthrie has recorded the case of a soldier who, in the regiment of which he was surgeon, had received in the course of his service 15,000 lashes."

In the evidence given by Mr. Slade before the Committee of the House of Commons on Transportation, he stated that, as superintendent of a barrack in New South Wales, he was bound to see carried into effect a sentence of two convict servants to fifty lashes each; and Slade added—

> "I, being an independent officer, and being anxious to do my duty, was determined to see the law properly administered; the consequence was, that 50 lashes under my superintendence were equal to 1,000 under any other man's ever before in the Colony. The lashes administered by others had been always conducted under the superintendence of parties who were liable to bribes; consequently the scourger, though you would think by looking at him that the force of his arm was so great that every cut took effect, yet the result was, that hardly the skin was broken."

Slade, therefore, having charge of the flogging department, took especial care that justice should be done on the sufferers:—

> "I ordered the cats to have a handle about 2 feet long; I had five lashes put to them of whipcord, and on each of those I had about six or seven knots. I stood by, and saw every punishment inflicted myself; and in cases where the scourger did not do his duty, I adopted the system, as has been the practice in His Majesty's army, of having the scourger brought up to account for his relaxation of duty; and when the scourger discovered that I was determined that punishment should be duly inflicted, I found that, by superintending myself, 25 lashes, under my surveillance, had the same effect as 1,000 under any other person's hand.

In the same way, here was the statement of an eye-witness of a flogging:—

> "I have seen a drummer in the Coldstream Guards weeping, unnerved, and unable to strike with vigour during the whole 25 lashes; the drum-major continually beating him with his cane to keep him to his duty."

The man perhaps being influenced by a natural feeling of humanity. In the unfortunate case which had lately attracted so much attention, it was stated that the party flogged as he thought best, and had no special instructions how to strike, or with what force. But what a frightful power was this to put into the hands of any man! It reminded him of a case in France, of which he was an eye-witness; an unfortunate man was ordered to be branded; staggering out of the prison he trod upon the foot of the executioner; this latter exclaimed, "You shall suffer for that," and thrusting the branding-iron into the fire till it was red hot, he drove it into the man's forehead until it met the bone, and said, "Now you will learn whether you are to tread on a gentleman's toes." But the severity of the punishment ought not to depend on the strength of any drummer or farrier. The power of inflicting even fifty lashes would open a door to great abuse. Some cases reported by Dr. Hamilton would serve to show how differently the same punishment might operate upon different men; let the House hear three of them:—

> "Edwards, in the end of 1781, was sentenced to receive fifty lashes. He had got drunk, and otherwise misbehaved. In the army this number is accounted next to nothing. So much, however, did this small punishment affect him, that, notwithstanding every degree of attention to his case, it was upwards of three months before he could bear his cross-belts, or even move his arms to

work. Perhaps fifty more would have placed his life in most imminent danger. He was of a thin, tall, genteel shape—his hair black, but soft, woolly, and thin on his head, with a skin remarkably white and smooth."

"Henley, for desertion, received 200 lashes only; acute inflammation followed, and the back sloughed. When the wounds were cleaned, and the sloughed integuments removed, the back-bone and part of the shoulder-bone were laid bare. I never had seen so much of the muscular parts destroyed in any case from punishment before. . . It was upwards of seven months before he was so far recovered as to be able to do his duty."

"In 1803, at Chatham, a private of the 9th Regiment, having been found asleep on his post, was tried by a court martial, and sentenced to be flogged. The soldier was a fine-looking lad, and bore an excellent character in his regiment. The officers were much interested in his behalf, and it was said they endeavoured to prevail upon the general in command to give his case a favourable consideration, but without success. All the troops were assembled to witness the punishment, and during the infliction I saw the drum-major strike a drummer to the ground for not using his strength sufficiently. The man's back became black as the darkest mahogany, and greatly swelled. He was taken down at the recommendation of the medical officer, after he had received 229 lashes, and sent to the hospital, where he died in eight days, his back having mortified. I have witnessed 700 lashes inflicted, but I have never seen a man's back so black and swelled."

It was supposed in many quarters that the presence of a medical man was some security; but what said Dr. Marshall?—

"A medical officer, who is officially present at a military punishment, is placed in a most unenviable situation, being in some measure held responsible for the consequences of the injury thereby inflicted, which responsibility is obviously unjust, inasmuch as the punishment is too uncertain in its operation for any medical officer to ascertain the boundaries of danger. Moral feeling, age, strength, nervous irritability, climate, previous disease, organic defects, and other circumstances, many of which it would be impossible for the most skilful and the most careful to detect, may render a punishment fatal, which had been intended to be but moderate or lenient. No medical officer can answer either for the immediate or ultimate consequences of this species of corporal punishment. Inflammation of the back, or general fever, may occur after a very moderate infliction, which may terminate fatally, notwithstanding the greatest diligence and attention on the part of a well-informed, conscientious medical officer."

With regard, again, to the legal position of the medical officer, what was the opinion of Dr. Paris and Mr. Fonblanque, writing on Medical Jurisprudence, and Dr. Smith, on Forensic Medicine?—

"It is generally supposed, that the surgeon who is present at a military execution is responsible for its consequences: this is not legally true, and it is physiologically impossible; the punishment is too uncertain in its operation to allow of any medical officer ascertaining the boundaries of danger. . . . . No surgeon can answer either for the ultimate or immediate consequences of this species of corporal punishment. He may, indeed, err on the safe side by interposing as early as possible, but there is no criterion by which he may be guided in forming an absolute opinion on the danger or safety of the punishment."—*Paris and Fonblanque*, vol. iii. p. 149.

"Let a medical officer bear in mind, whatever his sentiments may be concerning the nature of the punishment, that he has nothing to do with the merits of the case; and if the prisoner is able to endure the award, he has no business to stop the course of law or justice. If he gives way to his feelings once or twice, he will find himself unpleasantly situated, unless he can show satisfactory cause for his interference."—*Forensic Medicine, by Dr. J. Gordon Smith*, p. 403.

How much, then, depended on the accident of the greater or less humanity of the surgeon, and his experience and knowledge! There were some men who at the sight of human suffering were instantly touched, and would do what they could to rescue a fellow creature from it; but there were others, cold and depraved and reckless, who could see execution done without repugnance, and many who could look upon human suffering without any sympathy or desire to mitigate it. There were many cases recorded in which the interference of the surgeon had not been attended to. Here was a case detailed by Dr. Marshall:—

"I once attended a corporal punishment, and suggested at what I considered due time to the commanding officer that the punishment should be suspended; but no attention was paid to my recommendation. The following case is a remarkable example of disregard to the suggestions of a medical officer: Dr. G——, surgeon to the —— regiment, officially attended the punishment of a soldier in an island in the West Indies, who had been sentenced to receive 500 lashes. When about 250 lashes had been inflicted, Dr. G—— recommended that he should be taken down, but the commanding officer lost his temper, and censured the surgeon for interfering; he at the same time declined to suspend the punishment. Nay, more, while the punishment was going on he continued to reprimand the medical officer for interfering, and finally ordered the adjutant to put him under arrest, which was done, and he remained under arrest until, in consequence of an appeal to the general officer, through the principal medical officer, he was liberated, having been confined for about ten days."

What did Sir Charles Grey, formerly an hon. Member of that House, say on this subject? He said—

"The position of the surgeon is degrading to the noblest art to which human talent can attain, the art of healing, when the attendance of a medical man is rendered necessary, not to assuage pain and relieve suffering, but to ascertain the extreme limit of human endurance."

Here was an unanswerable passage from Sir S. Romilly :—

> "We tolerate," says Sir Samuel Romilly, "this species of punishment, this refinement of cruelty; we permit a fellow creature to be driven to the very verge of existence, a surgeon standing by to feel the pulse of the sufferer, and to pronounce at what moment exhausted nature can bear no additional infliction. Then, when his soul is about to forsake his body, and to leap into eternity, then, indeed, the poor wretch is taken down from the halberts, and removed into an hospital, where he is left, his body more at ease, but his mind still upon the rack, reflecting that the faster his wounds heal, the nearer he is to a renewal of his sufferings, and that his life is thus cherished by his tormenters only that it may be again subjected to their torments."

He would not refer at any length to the recent case, which, in his mind, had most happily excited the public attention and the public indignation to this subject, and which he had no doubt had been the primary cause of the movement which had led to the contemplated alteration. He had nothing to say with reference to Colonel Whyte. He had no doubt that he was an average sample of the gallant officers composing our army. That gallant officer said he "had been devilishly well flogged in his boyhood;" and he had no doubt he was really a fair and honourable sample of the military profession; but he must say that, during the whole progress of this investigation, the subject was talked of with lightheartedness and indifference: that seemed to be the generally pervading tone of the remarks made on this occasion. The right hon. Gentleman the Secretary at War might say this was an ordinary case, and formed no exception to the manner of dealing with soldiers in such cases; but on that subject there must be great difference of opinion, for on looking over the evidence at the inquest, it did appear to be somewhat contradictory. One man said, there was no difference in it from other cases. Others said, it was more severe than ordinary. One soldier said, "the punishment was exceedingly severe;" and Dr. Hall stated that "the punishment was inflicted in the usual manner, in the presence of Dr. Warren, and without any degree of severity calculated to attract more than an ordinary degree of attention." But he could scarcely believe his eyes when he read that Dr. Reid said, "This was the first case which had ever occurred among all the men who had been punished at home or abroad which had had a fatal termination." If it was so, what, he asked, was the value of such a gentleman's experience? Adjutant Ireland said, "he had seen many men worse flogged than White;" and the Colonel "never saw a man flogged more lightly than the unfortunate White." He believed this unfortunate case would yet lead to the total abolition of corporal punishment in the army; and if poor White's death was the means of ridding us of the system, he had not died in vain. It might be some consolation to him, if he could look down on what was passing here, to learn that his punishment was instrumental in suppressing so horrible a system. What was the unanimous verdict of a British jury in this case? A more important decision had seldom been come to, and, with the liberty of the House, he would now read it:—

> "That the deceased soldier, Frederick John White, died on the 11th of July, 1846, from the mortal effects of a severe and cruel flogging of 150 lashes, which he received on the 15th of June, 1846, at the Cavalry Barracks on Hounslow Heath, at Heston; that the said flogging was inflicted upon his back and neck, under the sentence of a district court martial, composed of officers of the 7th Regiment of Hussars, held on the 10th of June previous, duly constituted for his trial. That the said court martial was authorized by law to pass the said severe and cruel sentence; that the flogging was inflicted upon him by two farriers in the presence of John James Whyte, the Lieutenant Colonel, and James Low Warren, the surgeon of the said regiment; and that so, and by means of the said flogging the death of the said Frederick John White was caused. In returning this verdict, the jury cannot refrain from expressing their horror and disgust at the existence of any law amongst the statutes or regulations of this realm, which permits the revolting punishment of flogging to be inflicted upon British soldiers; and at the same time the jury implore every man in this kingdom to join hand and heart in forwarding petitions to the Legislature, praying in the most urgent terms for the abolition of every law, order, and regulation which permits the disgraceful practice of flogging to remain one moment longer a slur upon the humanity and fair name of the people of this country."

A jury of the people of this country recorded this as their verdict, and sent that verdict forth for the consideration of the House of Commons; and he called upon them, as the representatives of the people, to give effect to their verdict. The matter might, indeed, be summed up in a few words: "A man was whipped to death who was not condemned to death—a thing the British Parliament could not tolerate." But other cases had occurred within these few days. He saw that there had been two cases at Devonport. He had in his hand a paper of the 3rd of July, in which it was stated that—

> "The brutal and demoralising practice of man-flogging has been resorted to in two cases at De-

vonport. One of the victims of this barbarous mode of punishment was a man named Higgins, of the 55th Regiment, who had been found guilty of selling a portion of his kit, and of threatening to throw his boots at colour-sergeant Williams. The poor fellow was sentenced to 200 lashes; and one day last week the garrison was assembled in George's-square to witness the punishment. During its infliction, one of the soldiers informs us that Higgins 'never winked an eye,' or let a sound escape him. But notwithstanding this, the surgeon felt it necessary to stop the flogging when the man had received 150 of the 200 lashes, as the soldier, he said, could not safely take any more. During the infliction of the punishment, at least a dozen of the men were carried out of the square, they being unable to stand the distressing scene. Another soldier of the same regiment, named Lee, received 100 lashes and twelve days' imprisonment."

Now, what was the effect of such scenes on all the parties concerned—on the soldiers, the floggers, and the spectators? They inflicted the lash on the soldier's back or shoulders—the spectators, almost as agonized as himself, witnessing his tortures. They then carried away the victim exhausted and bleeding; but was he anything the better for the awful visitation they had inflicted upon him? Did their inhumanity make that man who was bad either better or worse? The universal testimony was that it ruined the man. A person, who was many years a soldier, states, as the result of careful observation, that in "100 cases of flogging, 99 of them produced such a recklessness of character, such an entire annihilation of all self-respect, that the men were good for nothing afterwards."

"There is not an instance in a thousand," says Dr. Jackson, "where severe punishment has made a soldier what he ought to be; there are thousands where it has rendered those who were forgetful and careless, rather than vicious, insensible to honour, and abandoned to crime." "After an experience of thirty-one years' service," says Major M'Pherson, of the 99th Foot, "during the early part of which period I witnessed much military flogging, I have no hesitation in saying that I never knew a single instance of a bad character being reformed by it. I beg to express my firm belief that any mode of punishment is better than corporal punishments."

And Dr. Fergusson has said—

"The lash when used judicially is a vile expedient, for every such exposure is the loss and ruin of the man. It has destroyed many a gallant spirit, and never reformed a bad one; for, however contrite and repentant the culprit may have been before this public disgrace, he is contrite no longer. Malignity and disaffection then take possession of his mind; for he feels that he has been disgraced and treated like a beast. It hardens the criminal of mature years, and makes the youth malignant and cowardly, or reckless. Let it henceforth be expunged from the rules of discipline, and if that were once done, there can be little fear of the castigators soon being led to discover far more salutary and efficacious methods of correction."

And what was the testimony of General Sir C. Napier? He says—

"I have seen many hundreds of men flogged, and have always observed that when the skin is thoroughly cut up or flayed off, the great pain subsides; and they bear the remainder without a groan. They will often lie as if without life, and the drummers appear to be flogging a lump of dead raw flesh. The faces of the spectators (soldiers) assumed a look of disgust; there was a low whispering sound, scarcely audible, issuing from the apparently stern and silent ranks—a sound arising from lips that spoke not, but that sound was produced by hearts that felt deeply."

"I have known" (says an old soldier in the *Sketches and Tales of a Soldier's Life*) "regiments entirely demoralized by a system of flogging. In a particular corps that came under my observation, and which for some time bore the name of the 'bloody regiment,' the consequence of this system was that all sense of shame was lost, and every blackguard made it a boast of manhood that he had received thousands of lashes on his back and on the calves of his legs—nay, in the fleshy part of his thighs. He who could name the greatest number considered himself the most honourable soldier."

And what influence could the system have upon those who inflicted the punishment but that of brutalizing them?—for what other effect could follow the exercise of a task only comparable to that of the public executioner? They had often heard it noticed that the French drummer had a bold, manly, soldierly air about him—a manner which they might rest assured he would not long retain were he called upon to perform so degrading an office as that required of the drummer in the British service. If the feelings of the army were expressed on this question, if they could venture to convey a full statement of their sentiments with respect to the necessity of abolishing this system, that statement would be very unequivocally expressed. He had received letters most touching from officers who had been fifty years in the army, and had received communications in which it was ardently stated that, blessed would be the day on which this torture was taken out of their hands. One old soldier said, "Give us the power of death. It brings with it an awful responsibility, but it would be a most charitable exchange." What were the opinions of Lord W. Bentinck, which had been often referred to on the subject?—

"I, in common with ninety-nine hundred parts of the officers of the army, considered corporal punishment as the sole security against every military distemper, and as the sole guarantee for the efficiency and good regulation of the army. It is only from reflection, from the effects of discussion, from the observation that, since that time, though corporal punishment a hundred, perhaps a thousandfold, discipline has decidedly improved, and the soldier treated like a rational being, and not as a brute, that my own prejudices, and that of others, have given way. I now feel confident that this degradation will speedily disappear before a more reasonable and enlightened legislation in the British army."

Sir C. Napier said—

> "It is the duty of Government at once to put rewards and punishment into full activity and in a complete manner, Thus the last will soon become obsolete; and this is the safest mode that can be adopted for the abolition of flogging."

The system of flogging characterized our country almost alone. It had been abandoned by most of the civilized nations of Europe; and he asked whether there was something so essentially, so naturally base and brutal in British blood, that it only was to be subjected to this species of discipline? In 1839 the main strength of the French army was 317,578 men, of whom 4,367 were brought to trial, being one out of 73. There were 112 condemned to death; but of these 112 only five were executed, and of these five all had committed murders. Thus, in an army of 320,000 in France, death was inflicted on five, who would have suffered death by the laws of this country; 2,028 were imprisoned; 243 suffered hard labour, or imprisonment in irons; 220 were sentenced to the log; 419 to the public works; three were reduced to the ranks; and four were fined. The punishments were only 1 per cent, while in this country the number flogged was 1 per cent, and of other punishments 8 per cent; consequently the punishment in the British army, compared with that in the French army, was as 9 to 1. Punishment by flogging in the American army was abolished in 1812. In many respects their soldiers resembled our own; and he thought, that after thirty-four years' experience in America, we might determine to abolish the punishment now. Dr. Southey said—

> "The martial laws of England are the most barbarous which at this day exist in Europe. The offender is sometimes sentenced to receive 1,000 lashes; a surgeon stands by to feel his pulse during the execution, and determine how long the flogging can be continued without killing him. When human nature can stand no more, he is remanded to prison (hospital), his wound—for from the shoulders to the loins it leaves him one wound—is dressed, and as soon as it is sufficiently healed to be laid open in the same manner, he is brought out to undergo the remainder of his sentence. And this is repeatedly and openly practised in a country where they read in their churches and in their houses that Bible, in their own language, which saith, 'Forty stripes may the judge inflict upon the offender, and not exceed.'"

We had means not possessed by other countries which enabled us to abolish this system. We had penal Colonies and possessions in every part of the world, which would facilitate the adoption of any means to extinguish it. It might be asked what they intended to substitute for the present mode of punishment; but he did not think they were called on to reply to that question. It was their business to see that these corporal punishments were no longer tolerated — to show that public opinion would not allow them to be any longer inflicted; but it was for others to suggest the kinds of punishment to be substituted. He might point, however, at prolonged service, at diminished pensions, severe imprisonment, or anything but this horrible system. The abolition of it was demanded by the almost universal opinion of the nation. Most admirably had the press generally reflected the sentiments of the public mind on this question. The most eloquent and invaluable aid had been rendered by the press towards rooting up this intolerable abomination. Even that most strenuous supporter of Conservatism, *Blackwood's Magazine*, that very month had come forward and declared that this visitation must be got rid of; and that the time was come when flogging must be abolished in the British army. The press had suggested measures to be taken in substitution for this mode of punishment, most of which he could approve of. The hon. Member (Captain Layard) appeared to him to have made out an admirable case for the adoption of a limited service. The noble Lord (Lord J. Russell) had pointed out an excellent remedy in a more easy access to commissions for non-commissioned officers. That was a remedy calculated to elevate the condition of the British army; and if it was determined to carry it into effect, he would venture to say that the people of this country would not put pounds, shillings, and pence into one scale, when in the other scale were placed the interests of humanity. As to the principal objection to limited service, if more relief were wanted in the Colonies, let more relief be granted. He was sure there would be found no indisposition, either on the part of Parliament or of the community, to concur in any changes, though they might be costly, which would enable us to get rid of this national evil. There was something in the details of this horrid system at which humanity recoiled, and Christianity blushed; and with respect to which a man could not restrain his feelings when they came under his notice. Romance or poetry had painted nothing more harrowing than the details of this kind, which they continually met with in the newspapers. But it was very satisfactory to find that a diminution was determined upon. The noble Lord stated that the proportion of the whole army flogged was only one man in every 190. He observed that in 1826 the proportion was one in 50 according to the returns. It also appeared that the punishments in use in the army were now of a much lighter and tolerable character than formerly. Yet no one complained that the discipline of our army had deteriorated. The noble Lord had declared that the discipline of the army was in a satisfactory state. Nevertheless, it had always, up to the present day, been insisted that the power of punishment by flogging was indispensably necessary for the maintenance of that discipline. It was even yet so insisted, notwithstanding a great mitigation had taken place in the mode and extent of punishments, without any diminution of discipline. The Gentlemen of the army and the navy had always insisted that without this power the officers could not preserve discipline. Now, however, those Gentlemen, he was sure, must delight that the experiments which had been tried had proved successful in this country. In the Colonies the diminution of punishments was more striking. In the Windward and Leeward Islands, in 1817, the number of men per 1,000 admitted into hospital in consequence of flogging was 135; in 1836, it had come down to eight. In Jamaica, in 1817, the number was 193; in 1836 it had also come down to eight; and the same was the case in the whole of the Colonies; and could it be said that injury had been done? In consequence of this attention to the claims of humanity, was the army in the Colonies less efficient? Could any man say that any injury had been done by the infliction of a less amount of punishment? Dr. Fergusson said—

> "Within the last half century the lash was in universal requisition. It was then the approved maxim that whipcord made the soldier; and the commander who spared the whip was to lay his account with having a bad regiment. In fact, the cruel discipline of the army outraged human nature, and stained the national character. The fruits were strikingly characteristic of the seed—universal depravity, desertion, crime, the halberds. Unless in the strictly national regiments, where character still bore its value, the common soldier was a ruffian, than whom, when he came to be discharged, a more dangerous character could not be received back into the bosom of his country. Some regiments, under more enlightened commanders, at length tried the experiment of diminished flogging. The effect in many instances was magical; for crime disappeared along with the lash. Public opinion was brought to bear upon the infamy of the practice: and now, with one tithe, or less, of the cruelty, we have, in a tenfold degree, a better army."

The Commissioners on Military Punishments truly said, that—

> "No practice can be long maintained which is really contrary to the well-considered judgment and settled feelings of the country."

He believed that the practice of flogging in the army was "contrary to the well-considered judgment and settled feelings" of the people; and that they demanded the abolition of it. He believed there was no longer any means of repressing the public agitation of this question. The remarks of the noble Lord were valuable on this account, that they would create some hopes that the present system was to be got rid of. It would be evident, he (Dr. Bowring) thought, that the noble Lord had been compelled to make some concessions to the prejudices of the army, and to the opinion of that distinguished man who was at the head of it; but nobody would believe that the noble Lord was not in favour of the total abolition of the punishment. The country would believe that the noble Lord had been temporarily overruled; but that the resistance at present offered by the Horse Guards would be removed in time. He (Dr. Bowring) hoped that the noble Duke at the head of the army, who had now made some concession to public opinion, but proposed still to maintain a fragment of that state of things which had been delivered over to public opprobrium, would before long consent to surrender this little fragment of cruelty which he still desired to retain; and that the period was not far off when this foul stain and stigma on the British name would no longer be suffered to exist. The noble Lord had referred to the fourth resolution of the Commissioners on Corporal Punishments; and he (Dr. Bowring) must say that resolution did hold out some hope that a time would come when the cat would no longer be used as an instrument of punishment. Let, then, the noble Lord give his aid to the advocates of that abolition. The noble Lord had done many popular acts; his history was associated with many things in which he might feel pride, and for which his country was grateful; he had done much for the political emancipation of his countrymen; let him remove this disgusting oppression which hangs over the British soldier. Dr. Fergusson said—

> "Flogging is so easy and compendious an operation, saves so much trouble to the instructor; and the power is so gratifying to human pride, that whoever has flogged men, women, or children (for the exception of the negro woman is yet a very recent one) will continue to flog as long as he is permitted to insist upon its being the perfection of human discipline."

To be sure, the officers who inflict the punishment were not subject to it. Whatever offence the officers committed, they were not visited with this cruel punishment; and the fact was, that many of these offences which were so cruelly visited with punishment on the rank and file, were committed more in consequence of human infirmity than anything else; and against that neither officers nor men could guard; but these offences led to very different consequences. They were judged by a very different tribunal. They were visited by a very different degree of punishment, accordingly as they were perpetrated by the officers or the men. He was about to conclude with a prayer that the system might be speedily abolished which made of its victims nothing but wrecks and ruins. The time was come when it must be swept away. That which would have been tolerated fifty years ago, would no longer be tolerated; that which was blameable fifty years ago, could not now be forgiven; and therefore he said, without hesitation and without delay let the House resolve that flogging in the army be now and for ever abolished. The hon. Gentleman concluded by moving as an Amendment—

> "That in the opinion of this House, the punishment of Flogging in the Army ought to be immediately abolished."

Mr. HENRY BERKELEY, in rising to second the Motion, said, hon. Members must feel that the march of public opinion on this subject had been so rapid that it was no longer possible to pass by the question, or attempt to sneer at those who brought it forward. Whenever a civilian rose to speak on this question, he met with a sneer. However, the march of intelligence and the decided state of public opinion rendered the advocacy of the proposition of his hon. Friend more easy now than it had been. After due consideration he had come to the conclusion that it was essential to the best interests of the service that a practice, abhorrent to humanity and disgraceful to mankind, should be abolished. The debates which had arisen on this subject, presented the same remarkable feature in them, as in all the early discussions of great reform questions, viz., argument met by dictatorial assertion, and upset by large majorities. Such had been the career of every measure of reform, where reason would ever have been found to have been at first opposed by prejudice, and ultimately to have triumphed by the spread of intelligence and the pressure from without. He would not stop to point out the many vile laws and gross abuses which had yielded after the most protracted defence. But there was one institution now, thank God, no more, which seemed to him to have a strange analogy in its effects and details to the cherished system of military flogging—he meant the old custom of inflicting the question, or torture. There was just this difference—the soldier was tortured by way of punishment; the witness was tortured to compel him to speak the truth. The details of both species of torture, the ancient and the modern, were alike brutal and repulsive. The steel boot, with its frightful compression by wedges, had a fair rival in the dreadful scourge, with its torn flesh and quivering muscles. In both species of torture the presence of a surgeon was necessary, to mediate between human suffering and death. Both species of torture were too horrible to be endured by the bystanders. We read of Members of Parliament unable to endure the sight of the horrors they had ordered, and raw recruits faint by dozens at the ghastly sights in our barrack yards. Now, we turn with loathing and disgust from the barbarous times when the torture formed part of the high judicial privileges of Parliament; and yet we hug, with complacency, the same kind of power invested in our courts martial. Let us not forget, likewise, that when the rack, steel boot, and other hellish inventions were abolished, there were men, and high legal authorities, too, who mourned over their loss, and foretold the downfal of justice in consequence of it; just as there are now high military authorities who cling to the cat, and insist upon it that unless they are permitted to mangle mankind, there is an end of all discipline. How do they know this? Had it ever been tried? Never; but the French do not use the scourge, and they have a gallant and a well-disciplined army. It likewise seemed to him that there was a very invidious and infinitely too wide distinction made between the officers and privates of our army, going far beyond that necessary distinction required for the maintenance of discipline. On that distinction, even in the days of Elizabeth, our great bard had commented—

> "That in the captain 's but a choleric word,
> Which in the soldier is rank blasphemy."

Now, carrying this out, he complained that it was assumed that the profession of arms conferred upon the rich that right which it denied to the poor—the right of being considered a man of honour. As thus, a blow inflicted upon a man who had purchased a commission, and received good pay, was an insult which must be washed out in blood; but the man who went into the army at a cheaper rate, and was badly paid, was flogged and obliged to put up with any number of blows. But the flogged man, by good fortune, might be promoted and gain a commission, and the moment this occurred a blow would dishonour him; consequently, it was very evident that our military code did not admit of a feeling of honour in a private. Officers alone were privileged to be honourable men. The honourable profession of arms! In England, honourable only to those who wear broad cloth. He had often speculated upon the feelings of French officers in passing over a field of battle, when they viewed the stripped bodies of the slain, how it must astonish them that those heroes, who exposed their gallant breasts to the musket balls and bayonet thrusts, animated by a sense of honour and love of country, should bear on their lacerated backs the brand of the most degraded slavery. How they must congratulate their more fortunate service. Honour! An honourable profession as it applies to privates! A gross farce—honourable only in outward show. What so imposing as a soldier's funeral? There indeed was all the pomp, pride, and circumstance of glorious war—everything tending to manifest deep respect for the departed. The panoply of the dead soldier borne by a comrade, the reversed arms of the firing party party, the dead march, and the muffled drum—ay, but then stole in the reflection, that the same drum which was now muffled in honour of a departed hero, might have clamoured loudly on that morning to conceal the agonized shrieks of a whipped slave; and the drummer had probably performed the same office for the very man he now heralded to the grave with such respect. There were contradictions in all this which appeared to him most absurd. He was almost ashamed to offer to the House any further cases of the evil of flogging after the full statement made by his hon. Friend the Member for Bolton; but he could not refrain from calling their attention to two letters he had received on the subject, both of which he assured the House were authentic; the one was from a clergyman of the Church of England, the other was from an officer in the army. The case from the officer in the army was to this effect:—

> "In a certain regiment was a man of exemplary habits, honest, industrious, scrupulously punctilious in his military discipline and obeying orders, and so severe in censuring breach of discipline in others as to have acquired the nickname of 'Corporal Trim.' One day a visit from some friends caused him to break the golden rules of his whole military life; he got drunk, committed some act of gross insubordination, and was sentenced to the mildest punishment of the sort, and received a few lashes only. His former excellent character was now, however, the means resorted to by the envious and dissolute to taunt him with his present disgrace; his corporeal agony had ceased, but his mental anguish proved too severe for his constitution; the collapse of his moral energies caused the decay of his physical powers; he never held up his head again, and died in six months. The surgeon, of course, reported that he died of disease of the lungs, and a break up of the constitution. The regiment knew to a man that he died a victim to the lash."

The other instance was related in a letter he had received from a clergyman of the Church of England. It was the case of a man, the son of an agricultural labourer, who had been bred by his father to a trade, and not liking it, enlisted in the army. He was absent for many years, and when he returned, set up in business in a place where his father was much respected, and succeeded in creating by degrees a good connexion. He formed an attachment to the daughter of a farmer; the family were very much opposed to the marriage, for they thought she was bestowing herself in an unworthy manner, and the parents refused to acknowledge the match. It took place, and in the course of a short time the man became well to do in the world, and was generally respected among the tradesmen of the town. Every prospect seemed to exist of a reconciliation taking place between the family of his wife and his own, when he went one day to the city of Bath (for the circumstance had happened in Somersetshire). There in the public gardens he was enjoying himself with his wife and child, as happy as any man could be, when a party of men slightly intoxicated drew near. The former soldier seemed startled, annoyed, and frightened and, from a want, of nerve or some unpleasant recollection, refused to accept the proffered hand of one individual of the party. This person went away, and returning, again offered his hand, which was again refused, the first saying, "I do not recollect you." "Yes, you do," said the other, "you are in better circumstances than I am now, and are too proud to remember; but you must remember; for I cut you down from the triangles, and this is the hand you refused to grasp, which dressed the gashes in your bloody back." Fancy the effect; the man's prospect ruined for ever by the fact of his having endured this disgraceful and demoralising punishment, which sticks by a man during the whole of his life. He returned to his village, but the story got about; the parents of his wife became more exasperated, and refused to notice him. He lost caste in the town in which he lived—his business fell off—he took to drinking—his wife became melancholy and wretched, and died. One morning, shortly afterwards, he knocked at the farmer's door, left his child there, and disappeared, since which he had never been heard of. The clergyman concluded his letter by saying that he had often seen in the village where this occurred, a little child driven home by the taunts of its school-fellows—the child of a flogged father. He (Mr. Berkeley) asked the House if such a state of things ought to exist? whether such a punishment could be at all measured by the crime? The effect of such a punishment was not simply its effect on the body: it also affected the mind, and it literally extended itself to the relations of the victim, and from generation to generation. This state of things was a disgrace to the nation, and ought to be done away with. From such instances as he had stated—and he was sure hundreds of such cases could easily be collected by members among their constituents—he had come to the conclusion that the system of corporal punishment was most destructive and demoralising. I object to the lash (said the hon. Member in conclusion), because it is degrading to that spirit of honour which should pervade the military service, and if used at all should be used in cases of the lowest moral grade, such as theft or bestiality, only. I object to the lash, because its indiscriminate use, as awarded by courts martial, is productive of that particular disorganization of the human frame, that collapse of the energies, mental and physical, commonly called a broken heart, the results of which are not confined to the victim alone, but extend to his relations. In short, Sir, it has been well said, that as far inferior as is corporal pain to mental anguish, so do the pangs of a crushed reputation exceed the agonies of death; and because this atrocious species of punishment well exemplifies that axiom, I now second my hon. Friend's Motion with pleasure.

Colonel PEEL, in justice to Colonel White, wished to say a few words; but before he adverted to the unfortunate occurrence at Hounslow, he would express his opinion on the general question. If he imagined that any undue severity or harshness had been exhibited in this particular case, he should be the last person in the House to stand up as the defender of the person who had shown it. His own opinion as to corporal punishment, founded on the experience of several years' service in the best disposed regiments, was, that it was absolutely necessary, constituted as the army at present was, to maintain the power. If it were possible, and no man would wish it more sincerely than himself, so to raise and better the condition of the British soldier as to render his dismissal from the service a punishment, he should most heartily rejoice. But so long as it was necessary for colonels to retain in their service men of the very worst character, on whom every other species of punishment would be wasted, whose conduct must be of the worst example to their comrades, it was impossible to do without it. The punishment, however, was one which, he admitted, ought to be administered cautiously, and with judgment. It was a notorious fact, that those regiments which were in the constant habit of seeing corporal punishment inflicted usually looked on with indifference at its infliction; and it was to be feared that in such cases it was of little service to the individual, and did not produce any beneficial effect by way of example. Great sensation had in some cases been occasioned in the public mind by statements to the effect that men who were drawn up to witness the infliction of flogging, found the sight too strong for their nerves and fainted away; but, for his part, he would not hesitate to say, that if he were a colonel in command, and were obliged to have recourse to corporal punishment at all, he would very much prefer seeing, the men faint away by sections, to seeing them look on in dogged silence and stolid indifference. Having offered these remarks on the general question, he now approached the consideration of the circumstances connected with the late unfortunate occurrence at Hounslow; but, before doing so, he ventured to express a hope that the House would concede to him this position, that whatever might be the feeling in that House, or amongst the public, as to the propriety or impropriety of corporal punishment, nothing could be more unfair or unjust than to attach to individuals in authority the stigma and unpopularity with which a certain system was viewed, unless, indeed, it could be proved that they had exceeded their power, or committed some abuse in the execution of it. Many persons inside and outside of that House were anxious for the abolition of the punishment of death; but who that held such a doctrine would think of attaching odium or censure to the judges who pronounced the judgment of death on a criminal, or to the officers who carried that sentence into execution. And yet a course of conduct not at all dissimilar had been pursued in the present unfortunate instance. From the first moment that any allusion to the Hounslow case appeared in the public newspapers up to the present hour, Colonel Whyte, of the 7th Hussars, had been assailed with every kind of abuse and misrepresentation that calumny could invent, or falsehood furnish. It had been even asserted, that he had superseded the authority of the surgeon, and insisted on the punishment being proceeded with, notwithstanding that the surgeon had directed that the man should be taken down. There was not the slightest foundation in truth for any such assertion; but, notwithstanding that it had been contradicted, it had created such an impression against Colonel Whyte, that calumny upon calumny was heaped upon him, and in the public papers the two Whites—the colonel, and the private who had been punished—were put in juxtaposition; the one as the tyrant, and the other as the martyr. If he thought that the justification of Colonel Whyte required anything more than a mere statement of the actual facts of the case, he would not be the man to undertake his defence; but such was not the case. He would not go beyond a simple detail of the facts; nor was it necessary that he should, for facts were all powerful for his Friend's defence, and needed no ornaments of language. He would in a few words detail the circumstances of this unhappy case. The first fact he would call attention to was this, that for two years previous to the punishment of the private White, there had been only one case of corporal punishment in the 7th Hussars; and in that case, not only had the man been flogged, but dismissed the regiment with ignominy. This proportion of punishment did not even come up to the calculation made by the noble Lord the Member for London. The second fact he would call attention to was, that Colonel Whyte had little more to do with the punishment of the delinquent than he had. Most assuredly he took no part in passing the sentence on him. The man had been guilty of an offence of the gravest and most serious character; and, taking into consideration his previous bad character, Colonel Whyte had felt it to be his duty to report the affair to the Horse Guards. This done, the matter was out of the colonel's hands. The report was taken into consideration at the Horse Guards; and it was from the Commander-in-Chief that the warrant issued in virtue of which the court martial was assembled. Nay, more, it should be borne in mind that Colonel Whyte did not sit on the court martial at all. He was not a member of the court. Up to this period, therefore, it was clear that Colonel White was quite blameless. The court investigated the case in all its bearings with the utmost care, and pronounced its sentence. That sentence was referred to the Horse Guards for approval. The authorities at the Horse Guards confirmed it, and gave their directions to the colonel to see it carried into effect in the usual way. This direction was implicitly obeyed. He had not heard it alleged that there was anything unusual in the manner in which this punishment was carried into effect. It was, in point of fact, carried out in the ordinary way; just as it would have been if Colonel White had not been there at all, or if some other officer had been in command of the regiment. Was it not evident, therefore, that no censure could with propriety be imputed to Colonel Whyte? But exception had been taken to the speech—to the observation, he would rather say—addressed by Colonel Whyte to the regiment, after the flogging, and to this the hon. Member for Finsbury had called attention; but he could not think that even here Colonel Whyte was reprehensible. It was the constant practice—nay, more, it was the duty of all commanding officers, after a punishment of this kind had taken place, to draw the attention of the troops present to the causes which had led to that punishment. Colonel Whyte had merely stated that the repetition of a similar course of conduct to that pursued by the offender then present would be visited with similar punishment. Now, what was the conduct of private Whyte before the occurrence which had led to his being flogged? He had previously been found guilty of assaulting a policeman in Birmingham, of ill treating a woman and child, and of striking a corporal. All these offences he had committed before the offence for which he was condemned to corporal punishment. Under these circumstances no more proper speech could have been addressed to the regiment than that which Colonel Whyte addressed to it. The circumstances of the case not only justified it, but rendered it necessary. So much with respect to Colonel Whyte. With regard to Dr. Warren, the surgeon of the regiment, who had also been much maligned, all he would say was, that he appeared to be a very mild, kind-hearted man, and to have paid every attention in his power to his patient. Moreover, Dr. Warren, and other highly-competent medical men had on their oaths solemnly declared that they did not believe that the punishment of the unfortunate man had any connexion with his death. The hon. Member for Coventry had introduced an allusion to another case—that of a man who, he said, had been flogged for saying "hallo!" to a sergeant—

Mr. WILLIAMS explained. He had not said that such was the man's offence. The circumstances as they appeared in the papers, and as they had been deposed to on oath by the man himself (Mathewson), were these. A sergeant called out to him to do something or another. Mathewson, on hearing the voice, cried "hollo!" The sergeant reprimanded him for using such a phrase. The man apologized; but on the sergeant persisting to reprimand him, he asked whether he wanted him to go on his knees? For this the man was brought before the commanding officer. Colonel Whyte reprimanded him, and the man rejoined by asking how he (the solder) was to address a sergeant? This was his offence. For this he was tried, and sentenced to receive 100 lashes. The statement appeared in the newspapers, and had never been contradicted.

Colonel PEEL would have no hesitation in contradicting it. It was by no means an accurate version of the story. A few days before this offence, Mathewson had been confined by the commanding officer of his troop for grossly disrespectful conduct to him. The matter was reported to Colonel Whyte, who, on that occasion, displayed the utmost possible leniency. After admonishing him in the kindliest spirit, he tore up the charge before his eyes, and told him that he would forgive him, but at the same time warned him that any repetition of such conduct would certainly be visited with punishment. A week had not elapsed before the man was again brought before Colonel Whyte for insolence and insubordination to his sergeant. Nothing could be more difficult to define than what actually constituted insolence; but it should be remembered that a man might be insolent and insubordinate without uttering a single disrespectful word. The insolence might be in the tone and manner with which words of little harm in themselves might be pronounced. The sergeant, in the execution of his duty, called out to the man by name. The man answered surlily, "hillo!" The sergeant remonstrated, observing that that was not a proper way in which to address him. Mathewson replied that he did not know that it was a sergeant who was calling him. The sergeant's reply was exceedingly mild, and showed how unwilling he was to take offence. "If," said he, "you always made it a practice to answer properly and respectfully, it would be immaterial to you to know whether it was a sergeant or not." Mathewson then surlily replied, "Would you have me go on my knees to beg your pardon?" This he repeated several times, and as he continued to speak in a surly insulting manner, he was placed under arrest, and brought before Colonel Whyte. The colonel, however, so far from sentencing him to be flogged on this, the second occasion of his being brought before him, merely sentenced him to be confined for seven days in the guard-room. He then turned round and in the most insolent manner inquired, "How would you have me answer a sergeant?" The colonel merely replied that it was his duty to do so in a respectful manner. He (Colonel Peel) had read the evidence of all the witnesses who were present on this occasion—adjutant, corporals, privates, and all—and they one and all agreed that the conduct of this man to his superior officer was almost the most insubordinate they had ever witnessed. In marshalling him to the guard-room he muttered most insolently, and used language which could not be repeated in that House. One of his comrades, a private, remonstrated with him, saying, "Why don't you hold your tongue? you will be sure to get 100 lashes." But he only laughed, observing that he would not be silenced by any one—officers, sergeants, corporals, or privates, as long as he was in the regiment. He was then taken up and brought to court martial. He (Colonel Peel) would not dwell further on the case. After what he had stated, he was sure that the House, however opposed to the system of corporal punishment, would concur with him in believing that Colonel Whyte and the officers of the 7th Hussars were actuated by no other motives but those which were suggested by a desire to do their duty.

Mr. WILLIAMS confessed that he was shocked and disgusted with the statements which had been made respecting the practices which were permitted in the British army. The nation in which such a state of things was permitted to exist might call itself civilized, but the rest of the world would regard it as being in a state of comparative barbarity. The persons who were legally and constitutionally responsibile for such practices were the advisers of the Crown. The colonel of a regiment had no more power to flog a man than any corporal in the service. Powers had been given by Parliament to the Sovereign to issue such orders and regulations for the army as the Sovereign might think fit and necessary; but there was a special reservation with respect to the punishment of soldiers, that it was not to be such as to inflict injury on life or limb. It was further provided that the Secretary at War should sign every such order with his hand and seal. It was clear, therefore, that it was to the advisers of the Crown that the responsibility of these punishments properly belonged, and to them it should be practically attached. With respect to the proposition for reducing the number of lashes to fifty, he did not think that it would remedy the evil so much complained of. A flogging was not a less degrading punishment because it was limited to fifty lashes. Moreover, the change might not be conducive to humanity. One hundred and fifty lashes had been known to cause a frightful death; and fifty lashes might, under certain circumstances, be made to be as severe as 150 or 200. It very much depended on the weight and fashion of the instrument of torture. With regard to the late unfortunate event at Hounslow, it should not be forgotten that Mr. Wilson had unhesitatingly pronounced it as his opinion that the man's death was caused by the flogging. Had it not been for the admirable conduct of that worthy Christian minister, the Rev. Mr. Trimmer, public attention would never have been called to the case at all. Mr. Trimmer had rendered a signal service to the cause of humanity, and done more for the good of the community than the whole bench of bishops. The system of flogging was an atrocious and disgraceful one. It was not permitted in Prussia; and Napoleon, as good a soldier as the Duke of Wellington, or any man that ever lived, abolished it in the French army. [Mr. B. Osborne: No, the Convention.] Well, be it so. Admitting that it was the Convention that abolished it, it was certain that it had never been re-established by Napoleon. The noble Lord at the head of the Government proposed to limit the number of lashes in the army; but what did he intend to do with respect to the navy, for which he was also responsible? He could prove that the infliction of 48 lashes (a power now vested in the captain of a ship) was as severe a punishment as 200 lashes in the army. A captain in the navy, at his mere whim and caprice, could order a man to be flogged to the extent of 48 lashes by merely filling up a blank warrant. He knew that this had been done for the most trivial offence, such as a man spitting on deck. It was true that the punishment could not be inflicted for the space of twelve hours. [Captain Berkeley: For twenty-four hours.] Not so—the Admiralty order distinctly stated twelve hours. The whole country looked with astonishment and indignation at the punishment inflicted on those men who were called upon to hazard their lives in their country's service. It was not because certain generals and admirals expressed an opinion that flogging was necessary that it was to be retained; and if it was left to the discretion of such persons, it never would be got rid of. He therefore called upon the Government at once to take the subject into their own hands, and take the responsibility on themselves of getting rid of this system of flogging, for it was clear they must ultimately do so.

Captain LAYARD said, that instead of being disappointed at the course taken by the noble Lord, he rejoiced that so far this cruel description of punishment would be done away with; and considering for how short a time this question had been affected by public opinion, he considered that they should feel gratified that so much had been done. The Government deserved the greatest credit for having exercised its influence and authority with the heads of the army to bring about this result. [Mr. Fox Maule: No, no!] Then, at any rate, the authorities in the army deserved great credit. It seemed, however, to him to have been a very late conversion on their account, for not a fortnight ago the extent of punishment by a general court martial was 200 lashes, by a district court martial 150 lashes, and by a regimental court martial 100 lashes; but now, for the future, no punishment by any description of court martial could exceed 50 lashes. He had long adhered to the opinion under which he had been brought up in the army, and felt for many years that this description of punishment was necessary. His hon. and gallant Friend opposite, some years ago, brought forward the question of flogging, when nothing could be more unpopular than interfering with the punishments of the army; but his hon. Friend's measure only went to lessen the punishments. On that occasion he had intended to come down to answer him, and to vote against the Motion; but he now had to thank his hon. Friend for having brought forward his Motion, as it had forced him to reconsider the subject, and he had arrived at an opposite conclusion to that which he had previously entertained. He had been prevented coming down to the House on the occasion to which he alluded; and he rejoiced that that had been the case, for if he had been present he should have voted against the Motion, and thus have done great injustice to the subject itself as well as to the soldiers of the British army. Since that time he had got all the information which he possibly could on the subject, and had consulted all the books that he could meet with on the matter, as well as the opinions of those of large professional experience, and the result that he had arrived at some time ago was, that he ought to bring forward a Motion for doing away with corporal punishments in the army. He, however, on reflection, thought that under the circumstances of the case at that particular time, his exertions in behalf of the soldier might do great injury. He knew that at that time public opinion was not with him; and those who entertained similar feelings to his were taken up with a great and absorbing subject; and if he had come forward with his proposition he should not have succeeded, and the result would have been to produce only discontent in a quarter where no feeling of the kind should exist. As he saw no clear prospect of carrying his proposition, he thought, instead of bringing it forward so as to excite expectations and engender discontent, that it would be better to abstain from bringing the subject before the House until there was a greater probability of its being carried. The public mind was not then ripe for the subject; but now he believed that public opinion had been so roused on the subject, and had set in so strong a current, that no body of men could long resist it. He believed that the noble Lord at the head of the Government, and those who sat on the same bench with him, were the last who would stand in the way of public opinion. He (Captain Layard) knew that there were several Members on the benches opposite who entertained a strong opinion against flogging, and he trusted that the noble Lord would leave it as an open question, and he knew what the result would then be. He considered that Colonel Whyte and Dr. Warren, of the 7th Hussars, had been most unjustly attacked. As for poor White, who had unfortunately died, he felt bound to say that, if he had had command of a body of troops, and any soldier had struck a sergeant in the manner that White did, he would have had him brought to a general court martial, and would have had the punishment awarded by it carried out. He would not say a word on the other case of Mathewson; but in this proceeding he considered that Colonel Whyte and Dr. Warren had been most improperly attacked. He believed that since the French revolution, no case had occurred of a French soldier having been punished by flogging. He knew that his hon. Friend the Member for Wycombe, who had much studied the subject, thought that if they got rid of flogging entirely, that they must substitute the punishment of death in many cases. The learned Doctor who had so ably brought forward the subject, showed that there was no fear to be entertained on this point. His (Captain Layard's) own opinion was, that he would rather be shot than be flogged to the extent of 150 lashes. Lord W. Bentinck abolished corporal punishment in India; and he stated at that time that it was found that the high caste sepoys of Bengal would not submit to the punishment. Was this to be allowed as sufficient, when the soldiers of England, Ireland, and Scotland, must submit to be flogged. Two commissions, comprised of officers in India, had been appointed in 1831-32, by Lord W. Bentinck, to investigate the whole question of military punishments; and both of them distinctly declared against the abolition of the punishment of flogging amongst the native troops. Notwithstanding this, Lord W. Bentinck persisted in his intentions, and stated that the members of these commissions seemed to labour under some infatuation that flogging in the army was the only means of securing discipline. He (Captain Layard) believed that this noble and gallant Lord was right in the course which he took. This had long been adhered to in the Indian army; and if flogging was not essential for the maintenance of discipline amongst the native troops, why was it deemed so for the English soldiers? The Indian army was one of the largest in the world, and yet kept up its efficiency without resorting to flogging. [Mr. Bernal: Flogging has been restored since in the Indian army.] He was sorry to hear it; but still this circumstance furnished him with an argument for the present Motion. It had been said, if they once did away with flogging in the army, they could not go back to it if it should appear that discipline could not be kept up without it. Would his hon. Friend tell him that they could not go back to this punishment in this country as well as in India? If they found that it was necessary—if they found that discipline could not be maintained without it—it would be time enough to go back to it; but was it not well to try the experiment? The noble Lord did not state whether there was to be any alteration as to the crimes for which these punishments were to be inflicted. The noble Lord said that punishments of 200, 150, and 100 lashes respectively were to be abolished, and a punishment not exceeding fifty lashes was to be substituted. [Lord J. Russell said that there was to be a limitation of punishment to certain offences.] He had to complain of the present system of military punishments, for in many instances a man was punished more for a smaller offence than for one of the most serious character. For instance, if a man sold his shirt he would get flogged, but if he deserted they could not flog him. He held desertion to be one of the greatest crimes which a soldier could commit. It was an inducement to commit the greater crime of the two, for the man was sure to get the smaller punishment. Would any hon. Gentleman suggest that he was wrong on this point? It was clear that the military law in this country was in a most imperfect state. The officers on a court martial were constantly puzzled in these proceedings, and it repeatedly happened that these proceedings were sent back for revision, and that even for such a trivial cause as the neglecting to dot an "i," or cross a "t." The present Judge Advocate had made the observation to him that it was an extraordinary fact, that court martials always gave the fullest extent of punishment they were enabled by law to do. What was the reason of this? Gentlemen who had not been in the service did not know, and many who had served were not acquainted with the reason. It was the intention that there should be thirteen officers in a general court martial, seven in a district court martial, and five or three in a regimental court martial; after the evidence had been gone through, the junior officer was first called upon to give his opinion, guilty or not guilty; and so on, until all the opinions had been taken but the president's, who would have to give the casting voice. The junior officers might no doubt take a conscientious view of the evidence before them, and after two or three had declared themselves in favour of a verdict of guilty, it would have an influence with those immediately above them. The consequence was, that it often happened that the senior officers, who were the best judges of the case, had no voice in the matter. But after a man had been found guilty, a comparative boy, who had just entered the service, might be asked whether the soldier was to be flogged or confined, and he might declare for a flogging, with other juniors, so that the opinion of the senior officers might be overruled. He knew that the object of this arrangement in courts martial was that the senior officers should not have too great a bias; but it defeated itself. This arrangement operated to prevent a wholesome jurisdiction in the army. He recollected hearing of a case of a military court martial, in which, on the opinion being called, the junior member declared in favour of confinement. The president of it asked for how long? The junior officer said, for life. The president had to reply, that the law only allowed three months' imprisonment for the offence. He was sorry that the noble Lord, when he alluded to the many ameliorations which have taken place in the military service, made no allusion to that which would be the most beneficial, namely, limited enlistment. He was satisfied that within a few years they would not be able to hold the army together without the adoption of this; and it would be found that this was the only sound and available mode of enlisting for the army. What was the case in the Russian army? The whip was not used in the Russian army on any officers or soldiers of the class of nobles; but instead of 1,000 or 800 lashes being inflicted, as was formerly the case in our army, twenty lashes was the greatest extent to which flogging could be carried in the Russian army. This was the state of things which existed in the Russian army when they were boasting of the kindness manifested in reducing the number of lashes from 200 to fifty. This information he had obtained from Mr. Marshall's recent book on military affairs. The fact was, that without the assistance of Mr. Marshall's valuable work, he could not have come forward with so full a statement as he had been enabled to do. He felt bound to say that the feeling of the army was, that great credit was due to that gentleman for the manner in which he had got up his book. He could read several anecdotes from this work which strikingly pointed out the effects of the present system of punishment, but he would not detain the House beyond referring to one or two of them. He found it stated that, some years ago, an order was issued by the commander at Belfast, stating that soldiers found wandering out of barracks after a certain hour should be fined five shillings each, or if they had not the money, that each should receive 100 lashes. Thus he supposed that *5s.* was taken to be an equivalent for 100 lashes. He felt that the reduction of the military punishment from 200 to fifty lashes would not be sufficient, and he was convinced that with a limited enlistment they might safely do away with the lash altogether. It had been said that no encouragement for good conduct could do away with the lash. He did not ask for any increase in the pay of the troops; but he thought that the pensions and retiring allowances might be increased and be better apportioned, and this with limited enlistment would have the most beneficial effect. He asked, therefore, whether sound policy as well as humanity did not call for the prevention of crime by the means he had pointed out? He knew that there was a strong feeling on the part of many hon. Members in favour of ameliorating the condition of the soldier; and he thought that the right hon. Baronet the late Secretary at War had been most attentive to everything brought under his consideration for this purpose. He differed in politics from the right hon. Gentleman; and he felt bound to say that, although he went several times to him, instead of refusing to listen to his suggestions, with the exception of the proposition on limited enlistment, he did everything which he (Captain Layard) asked. To show the fidelity of the troops of the British army, he would refer to an account in Mr. Marshall's book. The gallant captain then read an extract from this work, to the effect that some years ago a most serious riot broke out in a Scotch Highland regiment stationed at Glasgow, and such was the number of men who had taken part in it, that it was difficult to find who to select for punishment. The soldiers were made most sensible of the serious nature of their conduct, and four men came forward from the ranks and offered to give themselves up to punishment. They were subsequently tried, and, although they were found guilty and sentenced to be shot, three were reprieved; the fourth was shot. A circumstance, however, occurred on the march of three or four men in custody from Glasgow to Edinburgh, which showed the honour of a British soldier, even when exposed to an almost certainty of suffering death. He appealed to his commanding officer to allow him to return home, pledging his honour to return in time for the trial; and, worn out by fatigue and over exertion, he did arrive at the moment when the officer was giving up the other prisoners. Such were the men whom they were to submit to the degradation of the lash. It was also to be recollected that men who were so treated might immediately after be called into action; and yet where was there an instance of a commanding officer falling by the fire of his own men, though the lives of the officers were at such times necessarily very much exposed, should the soldiers entertain any animosity against them? But what did Sir Charles Napier say on this subject? That gallant general, on whose judgment and military skill so much dependance was now placed in India, expressed his decided hostility to the system of flogging in the army, in his *Treatise on Military Discipline*, published in 1837: Sir Charles enumerated eight specific objections which he had to the punishment of flogging. They were as follows:—

"1. That it is torture. All torture (said Sir

Charles) is objectionable, and therefore should be avoided, when to avoid it is possible; it savours too strongly of vengeance, which is not the object of law. Torture is worse than death to many who suffer; to some it is both agonizing and fatal. Yet no crime can demand from mortal judges a greater punishment than death; so that he whose crime, at most, only merits a moderate share of pain, may suffer a greater punishment than is established for the monster whose fell deeds seem to merit death in this world, and court damnation in the next. 2. That it is torture of very unequal infliction. Drummers can so flog a man that he could receive 1,000 lashes, and it is probable they could kill a strong man with 500. 3. Because it is an unequal punishment; some men being able to bear a much larger infliction than others. 4. Because the variety of the punishment is in some measure in the option or according to the strength of the drummers employed, and also according to the temper of the commanding officer and drum-major. 5. Because the state of a man's health and ability of a man to endure severe corporal punishment cannot be always correctly ascertained. 6. Because the danger of life from flogging is greater in a tropical than a temperate climate. The fact is, that medical officers are placed in a most unfair and perilous position. The danger to which the life of the culprit and the life of the surgeon are exposed, appears to be a powerful objection to this punishment. As to making the surgeon responsible, it is unjust to do so. The law places a man by force in a certain position, and orders him to act according to the best of his judgment; he does so, and there is an end of the matter, whatever may be the consequence, unless it can be shown he was drunk or mad. 7. Because the punishment of flogging is not only an unequal infliction for the above reasons, namely, that for similar offences it is applied by unequal force, in unequal quantities, and by unequal wills, to unequal powers of endurance; but also the first punishment is the most cruel. 8. Because the lash brands the sufferer with indelible marks." Sir C. Napier said, "That although martial law has been influenced by the spirit of the age, and softened both in its ordinance and its practice, we have maintained, if not surpassed our former military glory and discipline. Can we have a more satisfactory evidence that military discipline may be established and sustained without the frequent infliction of excessively severe punishment."

That seventh reason was, in his mind, the strongest of all. If they had maintained the military glory of the country unimpaired with a diminution of punishment, was it not an argument for supposing that they might perpetuate that glory with an entire abolition of this degrading system of discipline? Was it necessary for him to proceed further with authorities in favour of his position? He thought not; but yet he would beg to trouble the House with the opinion of the right hon. Gentleman opposite, who was then speaking to the Secretary to the Admiralty (Sir John C. Hobhouse). He was sure the right hon. Gentleman had not forgotten his former opinion on this subject, because it was a humane one. On the 15th of March, 1824, the honourable Member for Montrose (Mr. Hume) brought forward a Motion for the abolition of flogging in the army, which was lost by a majority of twenty-seven. On the 12th of March, 1827, the same Motion was brought again before the House by Mr. Leycester, and on that occasion he found the following remarks attributed to the right honourable Gentleman:—

> "He had the other night expressed a wish to see a clause in the Bill, making it necessary that the persons composing a court martial should be unanimous previous to its passing any sentence. The noble Secretary at War had objected, that any factious subaltern might then, in order to acquire popularity, prevent any corporal punishment from being inflicted in the regiment. He did not know how it could be reconciled, that one out of five on a court martial, should not prevent a sentence, seeing that twelve men were required to be unanimous in our courts, before the slightest punishment could be inflicted. The improvement he proposed was only a palliative; and, perhaps, it would not be wise to attempt a reform in what was radically bad. He had attentively listened to what had fallen from the gallant officers in the army on this subject; but the only reason they gave for defending it, that he could discover, was, that it ought to be continued because it had existed. But this, he thought, was bad reasoning, and not such as should induce the House to continue such a degradation on our brave defenders. He had heard an officer say, that in his regiment some of the men were brought out so frequently to be flogged, that they were known by the name of the flogging-blocks; and this circumstance demonstrated that, so far from flogging making them better soldiers or men, no good could be derived from it; and as no benefit resulted from the revolting custom, it ought to be abolished as being a national disgrace, and as placing our army in its discipline and honour second to that of France."

He trusted that the right hon. Gentleman remained of the same opinion still, though in the interim he (Captain Layard) had, he rejoiced to think, changed his on the same point. He gave full credit to hon. Gentlemen who differed from him on this subject, because he knew that they were actuated by a feeling of the great difficulty which they believed to exist in maintaining the discipline of the army without such a system of punishment. He knew that they felt that an army without discipline was only to be feared by the unfortunate country in which it was stationed. He could only say for himself, that while on service he had obeyed implicitly those who had been his commanding officers, and that he made those who happened to serve under him also obey him implicitly. He did not mean to say that those honourable Gentlemen thought a more Christian and a better mode of discipline might not be adopted than that which they advocated; but he knew it was for the sake of the country that they resisted this Motion. It was not that they loved Cæsar less, but that they loved Rome more. It was for fear that they might bring a curse on the country, which an undisciplined army would surely prove, that they dreaded the entire abolition of this species of punishment. He would, however, again beg to remind them of the opinions of the professional men who had been quoted. He need not allude to the opinion of Sir Charles Grey, as it had been already referred to by the learned Doctor who had brought forward this Motion; but he might mention, in addition, the opinion of Lord Lauderdale in support of the view which he advocated. It was, that public opinion could not be held too sacred by public men—that the voice of enlightened public opinion was irresistible—and, that nothing but time was wanting to render it triumphant. The recent unfortunate affair at Hounslow had given an impetus to the voice of public opinion against this degrading punishment, which must have the effect of setting it shortly, and he trusted finally, at rest. He would conclude in the words of another medical witness (Dr. Malcolmson) on this subject:—

> "There can be no doubt," said Dr. Malcolmson, "of the truth of the principle that no punishment can be just, or, in the eye of God, lawful, which tends to impair the efficiency, injure the health, and shorten the life of the soldier, or which produces any effect that cannot be estimated by the judges when they assign a punishment for an offence. Let us recollect that soldiers are men of like appetites and passions with ourselves, and let us act toward them according to the dictates of humanity and the lessons of experience. Military [illegible] and military usages, where wisely and justly administered, like the law of God, do not desire the death of a sinner, but rather that he should turn from his wickedness and live. Good men may be made bad; but bad men will not be made good by degrading and depreciating them."

Mr. NEVILLE thought every one would hail the present reduction in the amount of corporal punishment as a step towards its total abolition; those who wished to continue the power of inflicting it, only did so from a fear that the abolition might militate against the discipline of the army. The reason for that apprehension was alleged to be the present state of the soldier: let them, then, instead of recurring to obsolete horrors, strain every nerve to elevate his condition. He had listened with great interest to the speech of the noble Lord; but he thought he had laid too much stress on the prisons that were preparing for the incarceration of the soldier; the schools, gardens, and commissions the noble Lord had alluded to, were also but a very few steps towards bettering the soldier's condition. When the private soldier had had a commission conferred on him, he had not disgraced it; he could not but recollect that he occupied the seat filled before him by a gallant General who had risen from the ranks. But while they were urging on the House the propriety of ameliorating the condition of the private soldier, they should not forget the condition of the inferior officers—not inferior in valour or zeal for the defence of their country, but who, from the chances of war or misfortune, had not risen to the high rank he had just alluded to. The Military Knights of Windsor were established by Edward VI., a refuge for those who had spent their lives in the service of their country. But the allowance they received was very scanty, and remained unaltered till the reign of James I., who added something to it; at that amount it had remained ever since, At the present moment the knights had nothing but their houses and about 40*l.* a year each. His late Majesty William IV. promised them a considerable addition, which would have made the allowance 100*l.* a year for the knights, and 150*l.* for the governor; but, unfortunately for the knights, His Majesty died before he could carry out the intention. It was too late in the Session to take any steps to bring the case of these gentlemen under consideration, but he had availed himself of a favourable opportunity for mentioning it; and he trusted the kindness with which the state of the private soldier had been regarded, would ere long place the class he had alluded to on a footing becoming officers and gentlemen.

Colonel REID, though unwilling to intrude on the attention of the House, would not shrink from a public duty because the question was a painful and embarrassing one. He was deeply interested in the efficacy of the profession to which he had the honour to belong, and to which he was warmly attached. He had served in the army for nearly thirty years; and, during some portion of that time, having commanded a regiment, he had necessarily acquired some experience as to the efficacy of punishments. If it was painful to a humane mind to reflect on a fellow creature subjected to personal chastisement, much more painful was it to witness the infliction. He hoped, therefore, the House would believe that nothing but a firm and settled conviction that the time had not yet arrived for the entire abolition of corporal punishment induced him for a moment to hesitate in supporting the Motion. It was his deliberate opinion, formed from long experience, that it was utterly impossible to abolish flogging altogether. There were two punishments awarded for military offences—corporal chastisement and imprisonment. The offences committed in the army might be divided into two classes—offences purely military, such as insubordination and mutiny, and moral offences. If corporal punishment were abolished, a court martial would only be able to award one kind of punishment to each class of offences. Now, he thought the man who broke open the box of a comrade, and stole the small savings of his pay, ought to be punished more severely than a man charged with neglect of duty, or drunkenness. As to the moral effect of punishment, he believed that imprisonment was in many cases inoperative as an example. Criminal justice in the army was not retributive; men were there punished to deter others from crime, and to prevent the repetition of it by the offender himself. But by hardened and bad soldiers imprisonment would be scarcely felt; it would sometimes be rather a relief than otherwise. Under the present regulations, imprisonment was not so severely felt as it was a few years ago. Men were not sent to the county gaol, but to a military prison, which was little more than going from one barrack to another; nor was it attended with the moral disgrace that attached to imprisonment in the county gaol. Corporal punishment did not produce a great moral effect; the mere existence of the power to inflict it was efficacious; it was the only punishment a bad man feared, both for the moral disgrace attending it, and the physical infliction. It was easy to decry it, to inflame the public mind, and to declaim against it; but many of the assertions were groundless. How often was it said that the soldiers viewed corporal punishment with abhorrence and disgust, and that they felt ashamed to belong to a service in which they were subjected to it: he utterly denied that such was the feeling in the army. In a well-disciplined regiment, he firmly believed the men were just as jealous of its reputation as the officers; and they viewed the punishment of a man who, by his conduct, had injured that reputation, with no such feelings of disgust. Some years ago, there was a practice in the army which he thought an excellent one, though now forbidden by the Commander-in-Chief, of the private soldiers bringing their comrades to what was called a troop court martial. If a man did anything to disgrace his troop, and his comrades felt the reputation of the regiment suffering, they held a court martial on him. The proceedings were conducted with as much solemnity and punctiliousness as those of a court martial of officers; and in every instance where the offence was proved, corporal punishment was awarded. The practice was abolished by the Commander-in-Chief, from an apprehension that that punishment might be inflicted too severely. Instead of declaiming against this punishment, and interfering with the discipline of the army, they should direct attention to the moral condition of the soldier. They should endeavour to elevate his character and position, to kindle in his breast the feelings of self-respect and personal pride, to attend to his comforts, and make the barracks his home. He had had the gratification of witnessing the effects of this moral system. In the regiment he had the honour to command, crime was almost unknown, and irregularities were of rare occurrence. For whole months there had not been a case of irregularity, and in the space of twelve years but two cases of corporal punishment; and in those cases, if the offenders had been tried by the civil power, they would have been transported for life. He would mention one of these cases, to show the efficacy of corporal punishment. There had been several thefts in the regiment, and the men were most anxious to discover the offender; at last they succeeded in detecting him; he was tried by a district court martial, and sentenced to corporal punishment. He felt that the discipline and state of the regiment did not render the punishment necessary by way of example, and he therefore solicited the remitting of the sentence, and permission to dismiss the man with ignominy from the regiment. The Commander-in-Chief determined that the punishment should be carried out; the sentence was accordingly executed, and from that hour to the present there had been no recurrence of a similar offence. This was a fair evidence of its efficacy in checking crime. In the regiment to which he belonged, high moral offences scarcely ever occurred, which he attributed to the officers doing everything they could to ameliorate the condition of the men, by attending to their comforts, contributing to their amusements, and to the improvement of their moral condition. Every suggestion mentioned by the noble Lord (Lord J. Russell), on the part of the Government, had been carried out years and years ago in his regiment, and in other regiments of the Household Brigade. A library was established in his regiment before the Government thought of such a thing; a reading-room had been provided, furnished with periodicals, newspapers, and maps, and everything that could induce the men to frequent it. The gardens the noble Lord spoke of had been formed, and in the Household Brigade the men had portions of ground to cultivate. He had tried also to establish a savings-bank in his regiment, but this he regretted to say had entirely failed; the men would not deposit a farthing in it, though they were lodging sums of money in other banks, and he guaranteed them four per cent for what they deposited. He at last discovered the cause: it was a want of confidence in the civil authorities of the army. The men had an idea that there was an intention to reduce their pay, and they dared not deposit their money in the regimental bank lest it should be used as evidence against them that they had more money than they wanted, thus increasing the chance of a reduction being made in their pay. It was tender ground, but he could not help saying that the civil department of the army was by no means so perfect as it might be. The comforts of the soldier were neglected. A great deal had been done; but a great deal more ought to be done. With respect to the comforts of the soldier, would the House believe that, at this moment, soldiers had not common means of properly washing themselves? Personal cleanliness was a great point of discipline, most strictly enforced, and if a soldier appeared dirty on parade he was liable to punishment. Now not less than twenty or thirty men slept in one room, and the only means they had of washing themselves was a couple of buckets of water, and they had all to wash in them. Then the crowded way in which they lived, twenty or thirty men being crowded into one room, had an ill effect upon their health. At the age of forty or forty-five, a man became old and unfit for service, and he could only attribute this to the foul air the soldiers breathed. The windows could not be opened, because a man slept close to the window. In regard to their condition in after life, day after day his heart had bled at the visits of old soldiers, who were almost pennyless and destitute. After twenty-four years' service they had a pension of only 6*d.* a day. When he had the command of the regiment, he had recommended that old soldiers should obtain their discharge before they were worn out, in order that they might get civil employment. If they remained in the regiment till they were worn out, they were unfit for anything, and then their only resource was the miserable pittance of 6*d.* a day. He had considered it to be his duty to recommend men to apply for their discharge: they were allowed to do so, submitting to a modified pension, a deduction of 2*d.* from the 6*d.* He had told men that it was better to submit to this modified pension whilst they were able-bodied. There was a case of a man named Batley, who had an opportunity of getting a very good situation; and he took his (Colonel Reid's) advice, and applied for his discharge. He had been in the regiment thirty-one years, but his service only counted twenty-four, as he was a boy when he first came into the regiment as a trumpeter, and he rose to be trumpet-major. He had an opportunity of being band-master to a yeomanry regiment, and he consented to apply for his discharge upon the modified pension; and he (Colonel Reid) wrote to the Adjutant General on the subject. The following correspondence took place:—

"Hyde-park Barracks, September 6, 1844.

"Sir—I have the honour to transmit to you a statement of the services of the man named in the margin (2nd Life Guards, Trumpet Major, as sergeant, William Batley), who applies for his discharge, with modified pension, as sanctioned by the King's warrant, dated 14th of November, 1829; and to request that you will be pleased to give the necessary instructions respecting him.

"George Alexander Reid,
"Lieutenant Colonel and Colonel,
2nd Life Guards.

"The Adjutant General of the Forces, &c."

"Horse Guards, September 30, 1844.

"Sir—By the Commander-in-Chief's desire, I have the honour to acquaint you that your letter of the 6th instant, proposing Trumpet Major Batley, of the 2nd Life Guards, for admission to modified pension, having been referred to the War Office in the usual manner, the Secretary at War requests to be informed whether there are any special circumstances in the case of that individual which have led to his being recommended for the indulgence in question for the present year in addition to Corporal Shields.—I have the honour to be, Sir, your obedient humble servant,

"John Macdonald, A.G.

"Colonel Reid, commanding, 2nd Life Guards."

"Hyde-park Barracks, October 2, 1844.

"Sir—I have the honour to acknowledge the receipt of your letter, dated the 30th of September, desiring to know, for the information of the Secretary at War, whether there are any special circumstances in the case of Trumpet Major Batley, of the 2nd Life Guards, which have led to his being recommended for admission to a modified pension.

"In reply, I beg to state that I have recommended this individual for the indulgence in question, on the grounds of his good conduct and his length of service, agreeably to Articles 47 and 48 in the Pension Warrant, dated November 14, 1829.

"George Alexander Reid,
"Lieutenant Colonel and Colonel,
2nd Life Guards.

"The Adjutant General of the Forces."

"Horse Guards, October 3, 1844.

"Sir—In reply to your letter of yesterday's date, I have the honour to acquaint you, that as there are no special circumstances connected with the case of Trumpet Major Batley, rendering it expedient to press his immediate admission to modified pension upon the notice of the Secretary at War, who has laid down a rule that the selection of the indulgence shall not exceed the proportion of one man annually for every regiment of cavalry, the Commander-in-Chief would prefer your renewing your application in favour of the individual in question in the early part of April next.—I have the honour to be, Sir, your obedient humble Servant,

"John Macdonald, A.G.

"Colonel Reid, commanding, 2nd Life Guards."

"Knightsbridge Barracks, October 10, 1844.

"Sir—I have the honour to acknowledge the receipt of your letter, dated 3rd instant, acquainting me 'that as there are no special circumstances connected with the case of Trumpet Major Batley, rendering it expedient to press his immediate admission to modified pension, upon the notice of the Secretary at War, who has laid down a rule that the selection for the indulgence shall not exceed the proportion of one man annually for every regiment of cavalry, the Commander-in-Chief would prefer your renewing your application in favour of the individual in question in the early part of April next.'

"Entertaining a strong opinion as to the salutary effect and expediency of the new rule, I beg to be permitted to draw your attention to it, in the hope that through your instrumentality it may be reconsidered by Her Majesty's Secretary at War. The injurious tendency of this restriction will be best seen by pointing out the advantages of the hitherto more extended indulgence—advantages which, in my opinion, have not only accrued to the old soldier but to the public.

"The wretched condition of discharged old soldiers, who have no other means of subsistence than their scanty pension, is so distressing as to excite the sympathy of all classes of the community. Participating warmly in this general sympathy, it has been my earnest desire, ever since I assumed the command of the 2nd Regiment of Life Guards, to secure to deserving old soldiers the certainty of some civil employment previously to applying for their discharge; but it now becomes hopeless to obtain for them any such situations if they are not to be discharged, until they are absolutely worn out, and are no longer able-bodied. I have hitherto encouraged those of twenty-four years' service to look out for civil employment, and have endeavoured to make them sensible of the prudence of applying for a modified pension, rather than wait until their health is so seriously broken as to render them unfit for any employment.

"The benefit of this advice has, I have the satisfaction to know, been experienced in this regiment; old soldiers are fully sensible of it, and appreciate the consideration manifested towards them. But this new restriction is a death-blow to their future comfort and welfare, and the good old soldier who has taken care of his health and preserved his physical strength by habits of temperance and regularity, is, as to the future, in no better position than the drunkard or habitual defaulter.

"Another great disadvantage of this new measure is, I think, in the tendency it indirectly has to encourage malingering. As soon as an old soldier has a chance or opportunity of obtaining a situation in civil life, he will now find his way very quickly to the hospital, and from that hour there is virtually an end of his services. Malingering is not easy of detection at any time; but in the case of an old soldier most difficult. And is it not to be regretted, in a moral as well as a military point of view, that a soldier of good character should be thus tempted, by the severity of this rule, to act dishonestly and fraudulently? I could cite several instances of men in this humble sphere of life who have spurned the idea of feigning disability for the sake of additional pension; but when they find that their freedom is wholly denied to them, after a steady and faithful discharge of their duties during the best part of their lives, and when they are ready to forfeit a portion of their well-earned pension, can it be a matter of surprise or of reprobation that they should now have recourse to a stratagem for the purpose of effecting their discharge?

"Nor in a financial point of view can I see the advantage of this new rule. A man who wants his discharge and is not allowed to have it upon a modified pension, will, as I have already observed, soon manage to be invalided, in spite of the surgeon's scrupulous and faithful discharge of his duty, and the public then lose the difference between the two pensions during the remainder of that man's life.

"Taking this view of the question, and being thoroughly convinced that this new restriction is in its operation practically injurious alike to the soldier and to the public, I would earnestly recommend the reconsideration of it; and I conscientiously feel that the indulgence, instead of being contracted by confining it to one man annually, ought to be extended unconditionally to every good soldier who has completed his 24th year of service.

"George Alexander Reid,
"Lieutenant Colonel and Colonel,
2nd Life Guards.

"The Adjutant General of the Forces."

What was the consequence of this refusal? The man lost the situation; and in that very year he had his discharge upon the full pension. This was the operation of the rule. He should not trouble the House with any further observations. He thought that the time had not arrived for the abolition of flogging; but he did think that in a short time it would arrive, and that it would be accelerated by the Legislature attending more than it had hitherto done to the personal comforts of the soldier.

Mr. B. OSBORNE said, as it was his intention, in the event of the failure of the Motion of his hon. Friend the Member for Bolton, to press the Motion of which he had himself given notice, for the abolition of corporal punishment, save for offences committed on a line of march, mutiny, or theft, and in those cases to limit the number of lashes to fifty, perhaps it would be convenient to the House if he were to make the remarks upon the present occasion which he intended to have made upon his own Motion. He had listened with great pleasure to the remarks of the gallant Officer who last addressed the House, with reference to the great discomfort which the soldier suffered, as well as to the pleasing testimony which he bore of the good discipline in his own regiment. He (Mr. Osborne), however, could not exactly agree in the deduction which the gallant Officer drew from that circumstance, that the time had not yet arrived for the abolition of corporal punishment. He thought, if the Motion of the hon. Gentleman below him should not be carried, that the House would exercise a wise discretion in making the experiment of the abolition on the Household Brigade, to which the gallant Officer had once belonged; and in which regiment there was a better class of men than in any other. The gallant Officer had warned the House not to be led away by any hasty and ill-digested feeling of sympathy. In that warning, he (Mr. Osborne) concurred; for he felt that, in dealing with this subject, they should endeavour to take a practical view of it; and not attempt to lead away the House with inflated statements of what took place forty years ago. Agreeing, as he did generally, with the hon. Member for Bolton, he did not like the raw head and bloody-bone style of oratory. They must deal with the question practically. The hon. Gentleman who seconded the Amendment had thought proper to lead away the House by asking, in the most pathetical manner, whether it were not a shocking thing that the drum which followed the soldier to his grave, should upon another occasion be employed to drown his cries? He knew not of what time the hon. Member spoke; but he could only say that such a thing as using the drum to drown the cries of a soldier under punishment was never heard of in these days—it could only have existed in the hon. Member's imagination; and was like some of those touching stories which the hon. Member was in the habit of inserting in the newspapers. He held that the question before the House was not a mere question of secondary punishments: for it involved not only the whole nature and discipline of the army, but the safety and peace of society. It might be as well to glance for a moment at the origin of corporal punishment in the army; and perhaps those who were so great admirers of revolutions would not be disposed to think so well of William III. when he informed them that it was first introduced after the Revolution, in the reign of that monarch. The fact was, it had always been the policy of the State to degrade the trade of the soldier so low that nothing but the most ignominious punishment was of any avail. He found that by the Act of 1704 the magistrates were empowered to press all men into Her Majesty's land service who had no vote for a Member of Parliament. By that Act, also, the punishment of death was awarded for desertion, which was construed to apply to all who were one mile distant from the camp without leave; and at that very time the enlistment of felons was allowed by Act of Parliament. In 1752 a Bill for mitigating military punishments was introduced into Parliament; but it was thrown out by the Duke of Cumberland, the then Commander-in-Chief, who thought that the system then in vogue could not be dispensed with, though the military code of that time, as Horace Walpole had testified, was so extremely severe that death was a very common punishment. In looking at this question, it was necessary to consider how far flogging was a necessary part of the punishment of this country in its prison discipline; and he found that in the year 1832 there were 2,082 persons flogged in the prisons in England and Wales, by order of the civil authorities. In the same year, the number of soldiers flogged was 485. In the present year 36 persons had been flogged in the county of Middlesex alone. In 1827, after corporal punishment had been done away with in the Milbank Penitentiary, the present Lord Bexley, a man remarkable for his humanity, was compelled to recommend its renewal in that Penitentiary, finding that the secondary punishment of solitary confinement was by no means safe or effectual. The Committee stated that they were convinced

> "The framers of the statute under which the Penitentiary is now governed acted erroneously in remitting the power of inflicting corporal punishments."

His great objection to flogging, as inflicted at present, was, that it might not be a secondary punishment; for that it might and often did lead to the destruction of a man's life or his reason. Here, however, they had a nobleman of the greatest humanity, belonging to the high evangelical party of this country, calling upon them to restore the application of corporal punishment to the inmates of Milbank Penitentiary, because the secondary punishment of solitary confinement was not found effectual. With regard to the system of punishment in the French army, the House would find that flogging was abolished in 1794; and that was, because no Frenchman in France, whether in a civil or a military station, in prison or out of prison, could be punished by flogging. But what were the punishments in France? The number of offences for which death was awarded in the French army was 45. His gallant Friend near him (Captain Layard) said, that he would rather be shot than be flogged. That might be very well; but he (Mr. Osborne) knew that that was not the feeling of the British army, and what was more, that the British public would not allow the substitution of death for flogging. Other punishments in the French army were imprisonment for a number of years, with or without the *boulet*, that was a cannon ball attached to the culprit's leg; and of such a nature was that punishment, that Lord Hill had described it as being more fit for a beast than a man. He (Mr. Osborne), however, did not agree with Lord Hill upon that point; for he thought that the *boulet* was preferable to flogging. There were 19 offences also for which the French soldier was sentenced to the galleys. His gallant Friend near him (Captain Layard) had ridiculed the notion that the soldier was not well fed; but he asserted, considering all the privations and hardships which the soldier had to endure, that he was not adequately fed; and he found also, from Dr. Wade's *History of the Middle and Working Classes*, that the pay of soldiers in the army for the last 200 years had been much under the wages of any other labouring man, a circumstance for which the author accounted in the following terms:—

> "The army is mostly filled from the same set as the gaols; muscular strength and not character is required; hence the low rate of wages. The army has long been the lowest trade in this country, being the common sewer for unemployed labour."

He was astonished, under the circumstances, to hear the hon. Member for Coventry talk of 36,000*l.* a year for soldiers' beer money. Let them look at what the soldier endured: he passed only four years of his time in this country; and what did they give him at last? It was a curious fact that though since 1688 the pay had been doubled, the pension remained just the same; or the soldier was rather worse off in consequence of the warrant which had been introduced by the right hon. Member for Nottingham (Sir J. C. Hobhouse) in 1833. The Secretary at War stated in 1834, that in the preceding year one in five of the enlistments were taken from the gaols. Why was there not at that time some comprehensive measure brought forward by which the whole system of recruiting and the whole constitution of the army should have been inquired into? Was it too late to do it now? They must get a better class of men—they must have an improved order of recruits, or it would not do to make a great change in the system of punishments. Agreeing, as he did in the main, with the hon. Member for Bolton, still he must observe, as the hon. Member had quoted Sir S. Romilly, that that statesman had never proposed the absolute abolition of corporal punishment, but that it should be limited to certain offences; and in that recommendation he was supported by Mr. Wilberforce, who said that they must consider the civilian as well as the soldier. He (Mr. Osborne) should like to know what the hon. Member for Rochdale or the hon. Member for Coventry would think, if the soldiers were to desert on a line of march, and were to break into their houses, and commit robberies and devastation in the neighbourhood? On a line of march he contended that they must have an instantaneous punishment. He was not for inflicting a great amount of torture. He thought that 25 lashes would be as good as 200; but some instantaneous mode of punishment they must have. Sir Octavius Carey, who was entirely opposed to flogging, when examined before the Corporal Punishment Commission, was asked—

> "With respect to an army in the field or on a line of march, how could you apply the punishment of solitary confinement?"

The answer was—

> "I think it impossible in such cases. I would allow corporal punishment by drumhead court-martial and prevôt court martial, and by no other."

Lieutenant-Colonel Oglander and Colonel Considine also gave evidence to the same effect. He had several statistical statements which he was prepared to quote; but he was aware that the House was averse to listening to figures: he would therefore only say, that in the hope that there would be an entire revision of the system of enlistment—in the hope that they would get a better class of men in the army—he should vote for the Motion of the hon. Member for Bolton; but in the event of that being lost, he should press the Motion of which he had himself given notice.

Captain LAYARD explained. It appeared by a return in the *Moniteur*, that in 1839, out of 112 capital convictions in the French army, only five were executed. Those were in the army of Algeria; and one of them only was a Frenchman, the other four being natives of Africa. All of those executions were for the crime of murder, an offence for which they would also be liable to capital convictions in the English army.

Mr. F. MAULE said that he was much surprised at the announcement made by his hon. Friend the Member for Wycombe (Mr. Osborne) of his determination to vote for the Motion of the hon. Member for Bolton; for after one of the most conclusive speeches he (Mr. F. Maule) had ever heard proving how inexpedient it would be to deprive military tribunals of the power of inflicting corporal punishment, and showing how dangerous a step that would be with reference not only to the discipline of the army, but with reference also to the safety of the citizen, his hon. Friend had come to the conclusion that for the purpose of forcing the Government to take a particular step with respect to enlistment in the army, he would, by his vote, risk all the evils he anticipated from a total abolition of corporal punishment. The question before the House was one which it was at all times disagreeable to discuss. It was not a question which those who were entrusted with the responsibility of maintaining the discipline of the army could discuss upon fair and equal terms with those who took the purely popular view of the subject. It was very easy to dress up the question of corporal punishment in language calculated to harrow up the feelings of those even who might at first be disposed to look upon the question with the greatest indifference. If they looked at the question in the abstract, no man could deny that punishment by the lash, and to the extent to which military punishment had been often, at least formerly, carried, was a most revolting punishment, and one which could only be justified on the principle of the sternest necessity. The hon. Gentleman who had brought forward that Motion had said that they were not entitled to look to those who made a Motion of that description for a substitute for the punishment they would abolish. But he begged leave to differ from the hon. Gentleman upon that point; and he should say that when Gentlemen, actuated, no doubt, by the very best feelings, came forward to disturb the discipline under which the whole army was governed, they had a right to expect, and the public had a right to expect, that those Gentlemen should substitute for the punishment which they proposed to remove, some other system equally efficacious. The public mind had been moved upon that question by an unfortunate occurrence; and had it not been for that occurrence, he believed he might take it upon himself to say, that so satisfied were the Members of that House—so satisfied were the public in general, of the anxiety which existed on the part of the great Officer at the head of the British army, and on the part of the civil Government of the country, to improve the condition of the soldier, and to diminish the necessity for that revolting punishment, that no notice would have been taken, at least during the present Session of Parliament, of the system which had just attracted so much public attention. No one could regret that unfortunate circumstance more than he did; but at the same time he felt bound to state in justice to those whose names had been mixed up with it, that though the occurrence was a most lamentable one, it had taken place in entire consistency with the rules of the service, and with the customs, however objectionable they might be, which had been observed in similar cases. He should say that he thought great injustice had been done to the commanding officer and the officers of the 7th Hussars. He thought that unmerited obloquy had been attempted to be thrown on those officers;

and if there were any other regiment in question than one which bore so high a character, he should be very much afraid that all that had taken place within the last few days would tend much to shake the discipline of that very distinguished corps. But he had great confidence in that regiment, and he thought it right to make it known to the House and to the public the character which it bore in the last quarter in which it had been stationed, and which he presumed it also carried to the barracks at Hounslow. He had received a letter upon that subject from the rector of Ipswich, the town in which the 7th Hussars had last been quartered. That letter he would proceed to read to the House. [The right hon. Gentleman read the letter, in which the writer bore his testimony to the admirable discipline and to the high moral character of the officers and men of the 7th Hussars during their stay of twelve months at Ipswich.] That was the character that regiment had obtained; and that was the character, he was sure, which they would continue to maintain. He should say, however, that he most deeply regretted having read in the newspapers the manner in which some of the privates of that regiment had been called on to give evidence at the late inquest, and which could not in that or in any other corps, rest as the matter then stood, but should lead to further investigation. Having said so much upon that subject, he would pass to the question which they had to discuss that evening. His hon. Friend the Member for Bolton proposed to deprive military tribunals of the power of inflicting corporal punishment. His noble Friend at the head of the Government, in concert with the Commander-in-Chief, and following out the views which that illustrious individual himself took of the subject, admitting it might be possible that the death of the unfortunate man at Hounslow had been the result of the punishment he had received—an admission contrary to the opinion of the vast majority of the medical men examined at the inquest; admitting, however, that that might have been the case, his Grace the Duke of Wellington, with a speed that reflected the greatest credit on him, at once said—

> "This must not occur again; and although I maintain my opinion as strongly as ever, that in the present condition of the army, flogging cannot be dispensed with as a mode of keeping up its discipline, still I will not sanction such an extension of that punishment as might lead in any case to a loss, as the articles of war have it, of life or limb on the part of the individual flogged."

The noble Duke immediately suggested that all punishment should be reduced to fifty lashes. Now, he felt assured that if, following the example of his hon. and gallant Friend who had last spoken, he had gone back to the past for the details of military crimes and military punishment, fifty lashes, in comparison with the ruthless punishment of those days, would be equal to no punishment at all. Her Majesty's Government had adopted the suggestion of the Commander-in-Chief, and had determined, moreover, to carry out a principle adopted by a Secretary of War some years ago, and continued by his successors under governments of various politics—namely, to raise as far as possible the character of the British soldier, in the hope of arriving ultimately at that epoch, for which he was as anxious as any hon. Member, when, by having men of improved character and condition, while they retained the power of inflicting corporal punishment in great emergencies, still that power would become unknown in the British army. To that consummation did he look forward at no very distant period; but it must be arrived at in the course of time by the exercise of great discretion, when the punishment should have become so rare in consequence of the improved character of the men, and a judicious system of rewards, that no man would risk the disgrace which would attach to it. What was the object of maintaining corporal punishment at present? Not, as had been insinuated, the adherence to some antiquated notion that discipline could not be carried on without it. He was given to no such antiquated notions, and if he could suppose that it could be done without tomorrow, he would have no hesitation in abolishing it to-night. He was, however, quite convinced of the necessity of retaining the power. It was all very well for hon. Gentlemen not acquainted with the nature of the service to talk broadly and very humanely about these matters; but he should like to ask them how the discipline of the army was to be maintained? By the obedience of the major to the colonel, of the captain to the major, the lieutenant to the captain, the ensign to the lieutenant, the serjeant to the ensign, the corporal to the serjeant, and the private to the corporal. The parties on whom was cast the greatest responsibility in maintaining the discipline were the non-commissioned officers; and if they were not supported and protected in the execution of their duty, the result would be that no men of respectability would be found in the ranks willing to undertake so responsible a post. His hon. Friend was bound, before depriving the military tribunals of the power of inflicting this kind of punishment, which followed immediately upon the commission of an act of military insubordination, to point out some means of protecting non-commissioned officers in the execution of their duty. But there were stronger grounds still for the maintenance of due subordination, and that was the duty of protecting the British public. Those charged with the responsibility of maintaining the discipline of the army, had not only to look to a well-regulated army as the object of their care, but also to take into account the natural jealousy which existed in the minds of the people of this country against having a standing army amongst them at all, and that if that army were not in the best possible state of discipline—if the public were not most effectually guaranteed against all the vagaries and all the outrages which might be perpetrated by the kind of men who joined our ranks—the public would rebel and refuse to submit to the nuisance of having men quartered on them of all characters, unrestrained by any kind of discipline. His hon. Friend who had last spoken had pointed out the necessity, on a line of march was, of maintaining this punishment, for the entire abolition of which he was nevertheless prepared to vote. A line of march was, no doubt, a very strong instance; but might not the necessity arise also, where troops were quartered in a town, of making an instant example of a military offender for the protection of its inhabitants? Take away this power without substituting any other means, and they would betray the trust reposed in them and the authorities in the army, not only for preserving good discipline amongst the troops, but for the protection of the British citizen from the outrages of an undisciplined soldiery. It had been said that while they visited the soldier with these severe punishments, they had been inattentive to his personal comfort and character, and perhaps much might still remain to be done for improving his condition. Without giving any opinion on the question of enlistment, pensions, or pay, all of them questions requiring much care and grave deliberation, and which he had no doubt would receive due attention at the hands of the Government, he begged to refer the House to what had been done in this direction by the establishment of military prisons, nine of which were now in existence: four in England, four in Ireland, and one in Scotland. The number of prisoners who had gone through these military prisons during fourteen months was 4,276, out of which only twenty had suffered corporal punishment; and the highest penalty suffered was 100 lashes, and the lowest 24, while the re-committals were only three per cent. When this system should have been fully established, combined with a proper course of moral and religious instruction, and taking care that the soldier, who was frequently sent there for no moral crime, but for some breach of discipline only, should not during imprisonment be exposed to contamination, he trusted that the necessity for corporal punishments would no longer exist. He had the authority of several commanding officers for stating that those who had been discharged from these prisons returned to the ranks better men and better soldiers. But while they were providing prisons and punishments for the soldier, he was bound to say that much had been done, and much more would he hoped still be done, to induce the soldier to avoid a prison. There was already the good conduct pay. He knew it was the fashion amongst some military gentlemen rather to look with contempt than otherwise on these good conduct warrants; but, for his own part, he did not entertain so low an opinion of the soldier, even in his present state, as to think that such an inducement would not act as an incentive to many. Then there was the promotion from the ranks. Since December, 1845, thirty deserving non-commissioned officers had received commissions. Then there was the establishment of savings banks. On the 31st of March, 1844, there were 1,890 depositors in these banks, and the deposits amounted to 15,000*l.* In the last year, the depositors were 3,414, and the deposits upwards of 34,000*l.*; and the returns made since showed a steady progressive increase. By these means, and by showing the soldier that they did not neglect that which was conducive to his interest, they might in a short time make the power of inflicting corporal punishment entirely dormant, reserving, at the same time, the power of recalling it into action on an emergency. Should, however, the adoption of this

Motion deprive the military tribunals of this power without laying down any other rule for maintaining the discipline of the army, the responsibility must lie on the House, who would thus take one of the most effectual steps for unhinging the soldier's mind, and raising in him unfounded expectations which could never be realized—and at once expose the public to a curse which, in their good nature, they never would have anticipated, namely, that of having quartered amongst them bands of men under no control.

Sir C. NAPIER said, that if the punishment of flogging were abolished in the army, it must also be abolished in the navy; and though he might not be taking a course that would increase his popularity, he felt bound to oppose the Motion of the hon. and learned Member for Bolton. Indeed, after the proposition of the noble Lord to fix fifty lashes as the highest punishment to be inflicted in the army, he was quite astonished that the hon. Gentleman had brought his Motion forward at all. The hon. and learned Gentleman (Dr. Bowring) proposed, as he understood, to abolish flogging entirely, even on the march or in the field. Now he would ask that hon. Gentleman, whether he had read the Duke of Wellington's despatches? It would be admitted that the Duke of Wellington had commanded the finest and most strictly disciplined army in the world; but the noble Duke stated, that though he could place the most perfect reliance on his troops before they went into action, yet after the fight was over and a victory was gained, he could not find what had become of his army. He believed that was stated in several parts of the noble Duke's despatches. Now, if corporal punishment was prohibited in the field, how was the soldier to be restrained from plundering, from murdering, from disobedience to his officers—he might almost say from shooting them? If it was so difficult to keep troops in proper order under a severe system of discipline, how were they to be restrained without any discipline at all? He recollected that during the Peninsular war a division of the army which entered the town of Leiria broke completely adrift from their officers; and the town presented a scene of the most horrible devastation and plunder. The Duke of Wellington went into the town, and, seeing the disorder, he ordered the provost-martial to seize upon a British soldier and a Portuguese, both of whom were hung without judge or jury, and the troops were compelled to march past the place where they were executed. If it were necessary to make such examples in a well-disciplined army, what examples must be made where there was no discipline? He considered that if the Motion of the hon. Member for Bolton was negatived, great advantage would arise from the statements which had been made in the House to-night. Those statements would direct attention to means of improving the condition of the British soldiers and sailors; a better class of men would be induced to enter the army, and navy; and corporal punishments would then be no longer necessary.

Mr. WAKLEY observed, that the gallant Commodore had spoken of fifty lashes as if he thought them a treat. The hon. and gallant Officer seemed astonished that any one should be dissatisfied with the proposition of the Government; but had he tried fifty lashes himself? He was astonished—but on another account he was astonished—after what had transpired, that the punishment of flogging was not to be immediately and for ever abolished. Public opinion willed it; public feeling demanded it; and that demand was confirmed by the public judgment. He could assure the House, from his own personal observation, that the public feeling on this subject was infinitely stronger than it was on the subject of the repeal of the Corn Laws. The feeling in favour of the abolition of flogging was, indeed, universal; and he would say that so strong a feeling existed on the subject, that it was perfectly impossible for that House to resist it. On many accounts he felt great reluctance to engage in this discussion; and he would not have interfered in the debate but for some remarks which fell from the Secretary at War. He had very little to complain of in the remarks of that right hon. Gentleman; but the House would excuse him for adverting to two points which had been mentioned by the right hon. Member. In the first place, the Secretary at War had appeared to throw out an imputation that there had been something wrong in the mode of regulating the proceedings at the recent inquest at Hounslow, because some of the private soldiers had been permitted to give evidence. Now what course, he would ask, was the officer who presided at that inquiry to pursue? When he arrived at Hounslow, the hour for the burial of the deceased man was appointed. Was any effort made, by the military authorities there, to assist him (Mr. Wakley) in the investigation he felt it his duty to institute? On the contrary, when the jury assembled to view the body, it was stated by the officers in attendance that there was not the least necessity for an inquiry; and that the flogging had not in the slightest degree any relation to the death. How was the coroner, who derived no aid whatever from the authorities, to know who could give evidence on the inquiry? Instead of trusting the matter to a common inexperienced constable, he (Mr. Wakley) thought it infinitely better to place it in the hands of the inspector of police of the district—a most respectable and prudent man—Mr. Lawrence, who went to the barracks, and obtained all the evidence. He should like to know what other course could, under the circumstances, have been pursued? If any expression calculated to give pain had been used during the inquiry, no one could regret the occurrence more than himself. He saw an hon. Member laughing. Now, what did the hon. Gentleman mean by that laugh? It was a very significant intimation, and one which he thought did the hon. Gentleman very little credit. If any complaint was to be made against him (Mr. Wakley), it was much better that he should resume his seat without troubling the House further, for he was quite sure that the House would not allow any impertinent attack to be made upon him, and then refuse him an opportunity of defending himself. Having heard that an attack would be made upon him, he had been waiting in the House for a considerable time. If the hon. Gentleman had any observation or any attack to make, he would sit down; if not, he would proceed. [The Hon. MEMBER alluded to, did not evince any disposition to address the House.] The police inspector, as he had observed, had to go into the barracks, to make inquiries there, and to obtain evidence as to the flogging and the treatment of the deceased at the hospital. The inspector obtained the best information he could, and the witnesses were produced at the inquest entirely under his management and control; and from the beginning to the end of the inquiry, he (Mr. Wakley) did not interfere with them. The Secretary at War had stated that the verdict of the jury was opposed to the evidence of a majority of the medical witnesses. There were five medical witnesses examined—Dr. Hall, Dr. Reid, Dr. Warren, Mr. Day, and Mr. Erasmus Wilson. Now what was done by three of those medical witnesses when the inquiry first commenced? Without examining the whole of the body of the deceased, and making a complete *post mortem* inspection, they formed their opinion as to the cause of death, and made an official report to the Government. Dr. Hall, Dr. Reid, and Dr. Warren, had so committed themselves, without making a complete inspection of the body; and it was on the information conveyed by those gentlemen to the right hon. Secretary at War, that the right hon. Gentleman (Mr. F. Maule) made his unfortunate statement on the Monday in that House. He believed that the Secretary at War was justified, from the information the right hon. Gentleman had received, in making that statement; for his conviction was, that the doctors had at that time deceived themselves in consequence of not having made a sufficient examination. Finding that these medical gentlemen had thus committed themselves, and had so far prejudiced the case, and having been called upon to interfere by the Rev. Mr. Trimmer, who with some of the neighbours entertained an idea that the man had lost his life from flogging, his only course as coroner was to submit to the jury whether they would name their own medical man to make a complete examination of the body. They named Mr. Day, jun., of Isleworth. After the jury had viewed the corpse, he adjourned the court, without taking any evidence, to afford time for a *post mortem* examination of the body of the deceased man. Something had been said about protracted adjournments, and it had been complained that the inquiry had been carried over too long a period. He would explain his reason for the adjournment. He saw plainly that the jury were excited from viewing the body; at that moment the circumstances connected with the removal of a piece of skin between the shoulders, extending eleven inches in one direction and seven inches in another, were unexplained; and he thought it better to adjourn the inquest to a somewhat distant day, rather than call upon the jury to return a verdict under that excitement. It must be admitted, that it was far more desirable for the interests of justice that the decision of the jury should be founded on mature and deliberate consideration, than that it should be adopted under a feeling of strong excitement. On the second occasion when he (Mr. Wakley) went down, it was stated incidentally by Mr. Day, that although he had made a *post mortem* examination of the body, he had not examined the back and spine, which were indeed the most important parts that required examination. Finding it impossible, under such circumstances, that the evidence of the medical practitioners could be conclusive, especially as it was proved that the deceased had suffered under paralysis of the lower extremities for twenty-four hours before his death, and the jury appearing from some cause or other to be dissatisfied with their own choice of a medical man, they requested him (Mr. Wakley) to name a gentleman wholly unconnected with local interests to examine the body. He selected, as he had frequently done on similar occasions, Mr. Erasmus Wilson. A complaint had been made, in a not very reputable quarter, that he had chosen Mr. Wilson, because he had once been connected with that gentleman in literary pursuits; and he might therefore be pardoned for showing the House that Mr. Wilson's opinion was entitled to some weight and authority. Mr. Wilson was a student under Mr. Abernethy; he was house pupil of Mr. Langstaff, the celebrated anatomist; in 1828 and 1829 he attended hospital practice and operative surgery in Paris; and, after passing the examinations at Apothecaries' Hall and the College of Surgeons, he was engaged from 1831 to 1835 as prosector to Dr. Quain, and demonstrator in the dissecting room at University College. Mr. Wilson was subsequently lecturer on anatomy and physiology in the Blenheim-street Medical School, Sydenham College, and in the Medical School of the Middlesex Hospital; in 1843 he was elected a Fellow of the Royal College of Surgeons, and in 1845 a Fellow of the Royal Society. Mr. Wilson was also the author of several works on medical subjects; he had given great attention to the anatomy, physiology, and diseases of the skin; and, as in the case to which he was referring, death was supposed to have resulted from injury to the skin, he thought he could not have selected in the metropolis a man better qualified to form a correct judgment than Mr. Wilson. It had been intimated that Mr. Wilson being a friend of his, and having been his associate, he had selected him because he knew that gentleman's opinions. The fact was, that he never in his life exchanged a sentence with Mr. Wilson on the subject of flogging, and he was as ignorant of his opinions on the matter as any Member of that House. From the first moment that Mr. Wilson was called, to the conclusion of the inquiry, he did not exchange a single word with that gentleman; and until he heard his evidence, he did not know what Mr. Wilson's opinions were, nor did Mr. Wilson know his. It was true that Dr. Hall, Dr. Reid, and Dr. Warren adhered to their opinions: their opinions remain unchanged. Mr. Day also expressed an opinion different from that of Mr. Wilson; but he did not dispute the pathological discovery that Mr. Wilson had made—the change in the muscles of the back—the pulpy matter which surrounded the one, and the extravasated blood which surrounded another—he did not dispute that the change in the muscles had a close proximity to the inflamed chest. Mr. Wilson, having heard the opinions of the other witnesses, stated to the jury, in a firm and decided manner, his opinion that the flogging was the cause of the death. The jury placed more reliance on the opinion of such an authority than on the opinion of those who had prejudged the case, and who had not seen the entire examination before they gave that opinion; and he perfectly agreed with the jury in their decision—in his opinion it was right, and this brought him to the question immediately before the House. The noble Lord's proposal was, that for the future each flogging should be limited to fifty lashes. Yet there were circumstances under which those fifty lashes might be administered, which would make them infinitely worse than the 200 lashes inflicted at the present time. What was to be the length of the cat, what was its weight, what kind of thongs were there to be, how many were to be the knots, what was to be the length of time which the fifty lashes were to occupy, for they might be extended over an hour? The 150 lashes, in the last case, occupied half an hour. If all these things were taken into consideration, and were fairly examined, the fifty lashes might be made infinitely worse than the 200. What had been exhibited before him? Five cats with three different thongs; and he would rather receive 150 lashes from some than 120 from others. Some thongs had ten or twelve knots, others had only five or six—so carelessly was this punishment inflicted. One of the officers stated he had never had a cat in his hands before: the preparation of them was left to the farrier-major, and if the farrier-major owed a man a grudge he might select the cat which would inflict the heaviest punishment. He wished also to guard the House, and the noble Lord, and the Commander-in-Chief, against the supposition that with fifty lashes, or twenty, or one —he said even with one lash—there was a certainty that the infliction would not lead to the destruction of life. The subject connected with the influence which external injuries inflict upon the internal body, had engaged much attention of late years. But it seemed an established rule in the army that it should never be understood that flogging was the cause of any death. Was not that the case in the present instance? Was not an official report made, and was it not communicated to the House that the flogging had nothing to do with the death? His conviction was that such an opinion was the very opposite of every principle of common sense. He said, that such was his conviction, and he could have no motive in stating a conviction he did not feel. Altogether this was a most painful case, and it had given him much annoyance. Let him state to the House a case in point; and there were similar cases which occurred every week. On the 12th of last month a footman in the family of one of the former Members of that House (Mr. Serjeant Spankie) had the misfortune to burn his finger in his endeavours to extinguish the flames which had caught the dress of one of the young ladies. His finger was not much burnt, and on the following Saturday he returned to his work. He was a robust and a healthy man; but, like Mathewson and White, after a time he felt a severe pain in his chest; but he went to work on the Saturday. On the following Saturday where was he? In the North London Hospital with inflammation of the pleura. And where was he on the Sunday? A corpse. Dr. Quain had stated to him that the injury in the finger was the cause of the inflammation of the chest. Nor was this a particular instance: it was the rule; and death from diseases which were excited by the injury to the skin, was an everyday occurrence. In thirty out of forty cases, where deaths arose from injuries to the skin from burns or scalds, there was inflammation of the pleura and lungs. Dr. Quain had told him of a boy brought into the hospital with a very slight scratch on the skin of the knee, and the boy died of abscesses on the lungs. The influence of the skin on the human economy had been much overlooked. Now many men must have died from injuries of the skin where there had been inflammation of the lungs, and the real cause of death had never been suspected. But it was said that great caution was to be exercised, and that they would make the surgeon take especial care to ascertain whether the man was in a condition to endure the suffering and to have the integuments of his body lacerated. It was the most presumptuous and most daring supposition that ever entered into any man's head. What medical man, however great might be his observation, and however acute might be his perception, could ascertain the latent seeds of disease in the human body? And yet the application of any irritants might put them in a course of action in a few hours. A slight injury to the skin might produce erysipelas in a very different part of the body: the brain, the heart, the lungs, or the kidneys might be affected from a like cause; and yet, by the examination of the body, the medical man was immediately to ascertain that a punishment could be inflicted, mutilating that body, without producing death. The House, then, would see that fifty lashes might produce death, as well as 100. He knew—and it was notorious to all medical men acquainted with the facts—that death might be produced from injuries to the skin inflicted by a single lash of a cat-o'-nine-tails. Under these circumstances could the Government be justified in continuing this punishment? From the tone of the noble Lord, and from the noble Lord's manner, he inferred that the noble Lord was not favourable to the continuance of this punishment. The House was about to divide on the Motion of the hon. Member for Bolton: he hoped the hon. Member would be in a a majority; but if, unfortunately, he should be in a minority, he entreated the noble Lord to refer this matter to medical gentlemen for their consideration and decision—not depend on the opinions of army or navy surgeons, but of first-rate anatomists and physiologists, and who had experience and practice—of men who saw disease in all its forms in our various public institutions—and he told the noble Lord that he had a strong conviction that they would agree in their opinions; but if they made a report to the noble Lord, attaching their names to it, which should declare that they were enabled themselves, or that other men in practice could foretell, that fifty lashes could be inflicted without there being any danger to life, he would give up the subject, and never address the House again in relation to it.

Mr. C. BERKELEY, having been alluded to by the hon. Member for Finsbury, must, as an independent Member of that House, express his opinion of the hon. Gentleman in his capacity of coroner, in his conduct of the recent inquiry at Hounslow; and, in the remarks he was about to make, he assured the hon. Member he spoke of him only in his capacity as a public servant, and, therefore, as a man whose public conduct would be rightly and thoroughly commented on, and distinctly sifted. What then were the facts of the case with respect to the hon. Gentleman, and the subject of the inquiry he held? The death of a private soldier of the 7th Hussars had taken place at Hounslow; the hon. Gentleman was duly informed of it. [Mr. Wakley: Not duly informed.] The hon. Gentleman was informed of it, and he summoned an inquest to ascertain the cause of private White's death. Four medical men were applied to. The surgeon of the regiment made a *post mortem* examination, as well as two other surgeons appointed by Sir James M'Gregor, Inspector General of Hospitals; and the jury very properly also appointed a surgeon of their own choosing to make a medical examination. The medical men, without examining, as the hon Gentleman caused to be examined, the spine of this unfortunate man, upon opening the body came to the conclusion that the cause of death was totally unconnected with the punishment. But, unfortunately, Mr. Day, a most respectable gentleman, whose acquaintance he enjoyed, allowed his opinion, somehow or other, to get forth that the flogging was not the cause of the death of this man. What did the hon. Gentleman then do? He caused the body to be exhumed and submitted to the examination of Mr. Erasmus Wilson, a clever anatomist, no doubt; but if everything was fair and aboveboard, why did the hon. Gentleman exclude the other medical men from the examination, which took place in the churchyard? When they presented themselves in the churchyard, they were instantly informed by the inspector of police that he had the coroner's orders to exclude them. If everything was fair and aboveboard, the more medical men present the better. He held in his hand one of the cleverest medical periodicals, and he would read to the hon. Gentleman a short extract from it:—

> "It is abundantly clear, from the medical evidence, that the cause of death, in the case of the soldier White, was not the lash; and even Mr. Wilson's evidence, although shaped to order, goes to prove this fact. That the effects of the lash penetrated through the mass of muscle (very considerable in the thinnest subjects) which flanks the spine, produced old adhesions, inflamed the pleura, the heart, its valves, carnæ columnæ, and leading arteries, besides engorging the left lung with serum, is an assumption so truly ridiculous in a medical point of view, that were it not for the approaching general election, and the dearth of popular subjects for electioneering purposes, I should be inclined to think the hon. Member for Finsbury demented, and his garrulity at the Hounslow inquest a melancholy exhibition of an effete intellect."

The hon. Gentleman had made himself somewhat notorious by his long and frequent correspondence with the late Secretary for the Home Department in reference to holding inquests on the bodies of murdered persons; and he had over and over again said that he would never take evidence against a man unless that man was present, and heard the evidence. But what did the hon. Gentleman do in the case of the Hounslow inquest? Why, he allowed the most extraneous matter to be introduced, and examined privates, bringing the most extraneous charges against the officers of the regiment; and yet he did not allow a single officer to be present. He therefore had a right to complain of the manner in which the hon. Gentleman conducted the inquiry. [Mr. Wakley: That is not true.] The hon. Gentleman might say that it was not true; but he referred to the public accounts—to the accounts in *The Times* and every other newspaper. The hon. Gentleman was there made to say, that he would not allow the officers to be present for fear of intimidating the men. The hon. Gentleman allowed the men—he referred particularly to the evidence of private Mathewson—to go into charges especially against Colonel Whyte, which if proved would make that officer unfit to serve Her Majesty. With respect to the general question, it had been observed by the hon. Gentleman (Dr. Bowring), who brought the subject forward, that corporal punishment in the army had a degrading effect, and that a man never recovered from the disgrace. Now, in the regiment with which he was connected, there was a man who had deserted, taking with him a month's money of the company. He went to America, but was brought back, and being tried by a general court martial was reduced to the ranks and sentenced to 200 lashes. When he joined the regiment that man had become a corporal, and before he left he was a sergeant-major, and one of the best soldiers. Then with regard to the assertion that the privates thought that this punishment ought not to be inflicted, was it not notorious that formerly when offences were committed against the men, it was the custom to bring the offender to a court martial composed of his comrades? The court martial so composed invariably resorted to corporal punishment, and to such an extravagant extent that the Horse Guards were compelled to put a stop to that system. He wished to see the service put on the footing proposed by the noble Lord at the head of the Government; but he was sure that they could not keep up the discipline of the army without occasionally resorting to corporal punishment.

Mr. WAKLEY hoped he might be allowed to offer a few words in refutation of what had been stated by the hon. Member. In the first place, the hon. Member complained that he excluded the medical officers from the *post mortem* examination made by Mr. Wilson. He certainly did exclude them, and would do so again; and he would tell the House under what circumstances. The three medical gentlemen who requested to be present had prejudged the case; they had made their report, and had determined that the cause of death was not connected with the wounds on the back. Now, he wanted to know whether, after the jury had complained of what had previously transpired, he should have been justified in permitting them to be present at an examination to be made by a person who was perfectly unbiassed, and whose only object was to state nothing but what he discovered on the examination of the body? Those gentlemen could not want to see more—they had seen enough, and had already discovered the cause of death; but would not the jury have complained of his conduct if he had permitted them to be present? The rule he adopted, was the rule adopted in other and superior courts; and he should have violated the first principles of justice if he had acted otherwise. He had not acted from any feeling of disrespect to those gentlemen. Nothing could have been more improper than to have permitted those gentlemen to be present. There were three examinations of the body. In the first instance the examination was made by Doctors Hall, Reid, and Warren. Mr. Day was then appointed by the jury, and he went with the former gentlemen; but when it was discovered that he had fallen into the same error as the preceding medical gentlemen, and had formed his opinion without making a complete examination, it was necessary to adopt a different rule on the third examination. Nevertheless Mr. Day was not excluded from the third examination. What fairer course could have been adopted? and if he had pursued a different course he would have exposed himself to reproach, and the jury would not have been satisfied. The hon. Member had read something from what he called a medical work; but that was written by a stupid lawyer, who knew as much about physic as the hon. Member seemed to know, judging from the style in which he read the extract. The hon. Member said that he had refused to hear evidence when the prisoner was not present. But was there any prisoner in the present case? Was not every difficulty thrown in the way of obtaining evidence? They were obliged to fish for it; and if the privates had not volunteered evidence, they would not have succeeded in obtaining it. One of the privates said that he wanted protection, and that the sergeant-major was at the door, and the jury appealed to him to give that protection; consequently he desired all persons who were witnesses to leave the room; but no person should have had evidence given against him in his absence, if he could have secured his presence. Perhaps the hon. Gentleman would like to hear what the solicitor of the officers said in reference to his conduct? He was prepared for attack, and was not without ammunition, though he was not in the army. He had anticipated that some young and indiscreet officer, or some hon. Gentleman, still youthful in judgment, would make some charges against him.

Mr. C. BERKELEY rose to order. He wanted to know whether the hon. Gentleman had a right to make a second speech.

Mr. WAKLEY said, that the hon. Gentleman had read an extract throwing out a foul imputation on him, to the effect that Mr. Wilson's evidence was "shaped to order," and he had instructed his solicitor to move for a criminal information on the subject against the publication. [Mr. C. Berkeley: It is not my imputation.] No! But the hon. Gentleman had adopted it on the authority of that publication, and now the hon. Gentleman complained because he wished to say a word in reply. He had no desire to say anything personally offensive to the hon. Gentleman; but if the solicitor who acted for the officers—a perfect stranger to him—was satisfied with his conduct, surely the hon. Gentleman, who was not present, might be satisfied. The solicitor wrote to him as follows:—

> "Sion-place, Isleworth, August 6.
>
> "Sir—You request me to state to you what was my impression as to the manner in which the inquest on late private White, of the 7th Hussars, was conducted by you; and as I conclude your inquiry to have reference only to your own conduct on that occasion, I have no hesitation in saying that you allowed us to have any witnesses examined we pleased, and to make any statements we thought either necessary or desirable, and the ends of justice demanded; and you certainly conducted the investigation with extraordinary patience and attention.—I am, Sir, your most obedient servant, "G. CLARK.
>
> "Thomas Wakley, Esq., M.P."

Mr. Trimmer, the clergyman, had also sent him the following communication:—

> "Heston Vicarage, August 6.
>
> "My dear Sir—I am favoured with your letter, in which you request me to state to you my impression as to the manner in which the inquest on Frederick John White, of the 7th Hussars, was conducted, and whether I consider your charge to have been fairly made? In reply to these questions, I have great pleasure in stating, that having been present (with the exception of about one hour) during the whole of the proceedings, and having heard your charge from its commencement to its close, I cannot but express my decided opinion, that throughout the inquiry there appeared the greatest readiness and anxiety on your part to receive and fairly to examine all legal evidence, without respect to the parties bringing it forward, which might tend to ensure an impartial verdict; and that nothing could be fairer towards all parties, or better calculated to assist the jury in coming to a correct conclusion on the whole evidence, than your charge, of which, on my return to my family after the inquest, I expressed my admiration, considering it, as I really did, as at once judicious, luminous, and impartial.—I beg to remain, my dear Sir, very faithfully yours,
>
> "H. S. TRIMMER.
>
> "Thomas Wakley, Esq."

He had also a letter from Mr. Twining, a magistrate, a gentleman seventy years of age, who was formerly a judge in India, and who was present at the inquest; that letter was couched in still stronger terms, and was indeed too complimentary, nor would he trouble the House by reading it. He trusted he had satisfied the hon. Member and the House that there was nothing at all unfair or prejudiced in his conduct during the whole of the inquiry.

MR. C. BULLER thought the House would agree that no good could arise from following further the history of the melancholy event which led to the recent inquest; nor should he have risen to say a word on the subject but for a particular argument of the hon. Member for Finsbury, which seemed likely, if it could have any weight, to raise so false and injurious an impression, that he felt bound formally and distinctly to repudiate it, and point out its fallacy. The noble Lord (Lord J. Russell) had stated that it had been determined by the authorities at the Horse Guards, with his consent—and he must bear testimony to the promptness and cordiality with which the Commander-in-Chief gave his consent—to diminish to fifty the number of lashes to be inflicted by any court martial; and that was a great diminution; but, then, said the hon. Member, "how do we know that may not be evaded by making an alteration—a fraudulent alteration in the nature of the instrument by which the punishment is to be inflicted?" [Mr. WAKLEY: I did not say "fraudulent."] No doubt the hon. Member did not use that word; but would not the alteration be fraudulent? He did not mean to charge the hon. Member with accusing the Commander-in-Chief or the Government of that deliberate fraud. The hon. Member disclaimed it the moment it was put into words; but he would see that, in order to find fault with the arrangements of the Government, he was led in reality to attribute to them what would be a disgraceful and wicked fraud. The hon. Member had said that one cat was very different from another; and then he left the House to infer, that though nominally a reduction of lashes would be made, yet by some trick the authorities at the Horse Guards, who were supposed to thirst with an infernal kind of zeal for excessive corporal punishments, would inflict a much more severe sentence, by altering the instrument of punishment, and lengthening the duration of it. Now, he must say that, not only in the conduct of the noble Lord on this occasion, but of every person who had any voice in the matter, there was nothing that would at all justify the House in supposing that they made the alteration with any unwillingness, much less that they would be guilty of so palpable a fraud as this. From his own communications with the noble Duke at the head of the Horse Guards, he must say, that he never saw greater promptitude and greater good will in effecting an alteration, which some hon. Gentlemen were pleased to assume was particularly incompatible with the views of those in authority. Parliament had in fact a guarantee that the change would be carried out in the spirit in which it had been made; and he would go further, and say, that not only would the number of lashes be reduced, but that the House might be assured that hereafter there would be great care taken in the infliction of corporal punishment altogether, so that by no possibility would the House or the country have any reason to complain of any undue severity in that infliction. The hon. Member was then induced, in his endeavour to make out that this reduction was wholly unsatisfactory, to give the House some surgical views, which would tend to establish that the simplest abrasion of the skin—that even five lashes, nay, one—would probably produce disease of the lungs, and therefore death. The hon. Member had told the House of instances where burning your fingers, or a scratch of the knee, had produced a fatal result. Without pretending to dispute the hon. Member's medical authority, or denying that under certain circumstances those slight injuries might produce fatal effects, it was enough to say that these were anomalies in the constitution of the human body, and in the history of individuals, for which it was impossible by any rules to provide; and if the hon. Member objected to a punishment of fifty lashes, because it was one which might by possibility, under certain circumstances, and in certain peculiarly constituted frames, produce fatal results, would he say what secondary punishment there was which might not? The same thing might be alleged against the treadmill. There had been inquests, when the public blood was up, at which such medical authorities had been brought forward to show the horrors of the treadmill, that a simple man might suppose that to condemn a man to it for a month was certain death. So of solitary confinement. That had been stated to have produced, over and over again, a total loss of reason, which, if not involving an immediate loss of life, was not preferable to it. It was impossible, in deciding on punishments for offences, to say with perfect mathematical certainty that you apportioned one which could not produce worse effects than you purposed; but there was no sound authority for maintaining that fifty lashes inflicted in the way they now would be, were at all likely to produce serious consequences. The maximum in the navy was four dozen lashes; and he had never heard of any serious result from naval flogging; and since the instrument of punishment was much more severe in the navy than in the army, there was a fair right to infer that the proposed maximum of fifty lashes in the army would be safe. He must own that he was not at all sorry to have seen the public mind much excited on the subject of flogging; he believed that it had produced a most wholesome reform, and that in spite of all that the hon. Member for Finsbury had said, the measure adopted would satisfy the demands of public opinion. No man could look with greater horror than he did on the abuse of this corporal punishment in former times; but the total and immediate abolition of it would be a very serious interference with the entire discipline of the army. The House must look to the composition of the army; and though he would not disguise that he sincerely hoped we might ere long be able to carry on its discipline without corporal punishments, yet not merely the general opinion of those who were responsible for that discipline, but his own opinion, induced him to say that a total abolition of corporal punishment at the present time, would be an exceedingly dangerous and unwise proceeding. But at any rate the alteration now proposed stript the punishment of every thing that was revolting or dangerous; and whatever might be the disadvantages of that punishment, still there was no human probability that the public mind would be again shocked by such occurrences as had taken place, or that there would be occasion for discussing the question under excitement arising from such a source.

Mr. **BRIGHT** had listened with great attention to the speech of the hon. Gentleman who had just sat down; but he found that the only thing the hon. Gentleman had attempted to prove was, that under the proposed change the punishment might be safely inflicted without any great chance of permanent injury to the individual on whom it fell. Now, if this question had been discussed two or three months ago, that speech might have been delivered without contradiction; it might then have been said, that 150 lashes was an amount of punishment not beyond what a man of strong health might endure; but the hon. Gentleman stated farther, that the measure of the Government and of the Horse

Guards would remove from the punishment everything revolting or dangerous in connexion with it. On the inquest, however, no information was given at what particular lash officers and men had fallen down fainting. It might have been at the 49th or 51st lash; but if it was before the 49th, they must assume that there was something still in this punishment of a revolting and dangerous character. He agreed with the Government that the public would at present be satisfied with the change about to be made; but he believed they would be much better pleased by the total abolition of the punishment. The public would come to the opinion that the Government had succumbed to the Horse Guards on this question. He did not believe an equal number of men could be found in the House to those situate on the Treasury bench more opposed to the punishment of flogging; but he considered that they had been led to the conclusions they had arrived at by finding that the Horse Guards were as averse to the abolition of the punishment of flogging as ever they had been to any modification of it. The opinion of the noble Duke at the head of that department might be of importance in the eyes of the Government; and his long experience in connexion with that department certainly gave him authority to speak on the subject; but he begged to say that military men and military officers in general were the worst authorities on a question of this kind. Was it to be supposed that men who had throughout their whole lives exercised an entirely despotic authority—an authority unknown to any other officers or servants that govern the State—could have anything but the most arbitrary views of this subject? They had been uniformly opposed to any amelioration of the present system. He was surprised that military officers should take the course they did, looking at the question in another point of view. If it was said that these punishments we e still necessary, then one of two things were called for. It might be that the soldiers were of a brutal, ferocious, ignorant nature, and on that account the punishment was necessary; but it might be also that among the officers of that department there was a great lack of those moral qualities that were essential to the management of a number of men. They might find regiments in the service where there had been only two cases of flogging in twelve years, and there might be cases where they were most frequent; but he did not believe there was any great difference in the one set of men as compared with the others. The great difference, in his opinion, lay with the men by whom they were commanded, and with whom they came so much in contact. He had heard repeatedly from soldiers, that the insults and irritations to which they were subjected by the non-commissioned officers and by those raised from the ranks were such as flesh and blood could not stand; quarrels accordingly ensued, and then came such scenes as they had been discussing that evening. Much had been said about filling the ranks with superior men. He believed that in this country they never would have the ranks of the army filled but with the lowest classes of the people. When a man had run through every species of degradation, and committed every vice, and become an outcast from those with whom he had been accustomed to associate in youth, that man then became a soldier. He knew it to occur in his own neighbourhood; and if a person wished to express the extreme degradation into which an individual had fallen, the last thing said of him, after telling all that he had successively become, was that he had enlisted as a soldier. The reasons why they would never get any but the lowest of the people was, that there was not a warlike spirit in England. There was a commercial spirit in England, and the people found the means of a more profitable and honourable existence in the walks of trade and commerce than in the gaudy trappings offered them in the service of the State. It was not to be expected that when a man could live comfortably in his own cottage, earning in an honourable way a subsistence for himself and his family, that he would become a soldier. He should rejoice to see the warlike spirit die away, and less occasion for armaments, and forces, and military displays, not to speak of those horrors by which the people of England had of late been excited. The noble Lord had not gone the length he ought to have done on this question. He should therefore support the Motion of the hon. Member for Bolton. He did not blame the Government; but he thought that future events would yet convince the Government and the Horse Guards that our fellow countrymen might be trained to their duty and might be taught to elevate and respect themselves by the continuance of just and sympathetic treatment, rather than by that barbarous usage which had so often disgusted the country.

Mr. GOULBURN was sorry to be called on, after the statement made by the noble Lord at the head of the Government, to give an opinion on the measure proposed by the hon. Member for Bolton. There was something in the opinions of the noble Lord, which he thought, to the mind of every reasonable man, must have been in the highest degree satisfactory; and he did not think it desirable, either for the discipline of the army or for the public feeling, that the question should be agitated as it had been in the course of the evening. But he must say, that, of all the speeches made on the present occasion, that which had fallen from the hon. Member who had just sat down, as well as the vote which he proposed to give, was the most indefensible. The hon. Gentleman told them that the army was composed of men who were the very outcasts of society. He denied that proposition; but he was now dealing with the hon. Gentleman's arguments. He said the army was recruited from the very outcasts of society—that we were a commercial nation, and could not find hands for the military and naval services otherwise than from that low class of society; and, having condemned the army as receiving men from the lowest and most degraded classes, the hon. Member said he would not allow that species of punishment which, however unnecessary with regard to educated men, and men advanced in civilization and the cultivation of their intellect, was the only way in which they could keep under control men who were devoid of any sensibility but the sensibility to punishment. And the hon. Member had told them that these men were selected from the lowest society, by another class of men who were wholly unfitted for the duty of governing them. [Mr. Bright: The right hon. Gentleman has mistaken my argument.] Well, he hoped he had mistaken the hon. Gentleman's argument. The question of apportioning punishment to crime was, under any circumstances, one of considerable difficulty; and when that question was agitated in a popular assembly, there was always a tendency to consider rather the suffering of the criminal, than the object of the punishment. Indeed, the tendency of men generally was to look to the sufferings of the criminal, rather than to the object of the punishment, and the causes which rendered that punishment necessary. But if this was the ordinary state of men's minds with regard to crime, how much more difficult was it to judge rightly when they were considering the punishment they were to apply to military offences? They had to consider, in such cases, not only what was the moral guilt of the offence, but what would be the effect upon society of allowing the offence to go unpunished. If they permitted offences which might not be in themselves marked with moral turpitude, but which became of importance when committed in the army, and which, being committed by soldiers, led to the greatest injuries to society, to go unpunished, great mischief would be done. A person who in a civil employment, as, for instance, a workman who should strike a blow or use insulting language towards the person who was placed over him in his occupation, would not be considered guilty of a crime, and no one would wish to visit his offence with severity; but if a private soldier were to use insulting language or give a blow to his corporal, who had been perhaps but a few days raised from the same rank as himself, the offence could not be looked on as of other than a grave nature; and to let it go unpunished would destroy the discipline of the soldier, and render him not a means of defence to the community, but a nuisance to society. There was this conflict between the arguments of the hon. Gentlemen opposite: On the one hand, the House was pressed by the hon. Gentlemen with the importance of being humane in the punishment of our troops; on the other hand, however, the same individuals who talked so loudly of humanity in punishing those among the soldiers who did wrong, were equally loud in enforcing economy in the pay of the army, although it was liberality in that respect that could alone enable them, by rewarding those who did right, to recruit the army from a better class, and to dispense with the present mode of punishment. The hon. Member for Coventry (Mr. W. Williams), who was one of the strongest advocates for the abolition of military punishments, was always for reducing the emoluments of the army; and only the other evening had urged the necessity of diminishing the pay of those particular regiments which were the best disciplined, and in which the pay, being commensurate to the duty performed, had the effect of rendering them most efficient. Now it was not easy to discriminate between these conflicting elements so as to see what was to be done. Then the public, who were so excitable on the subject of military punishments, did also complain very much if those bodies of men did not conduct themselves with propriety towards the rest of the community. Looking to those parts of the public press who were at present calling for the abolition of these punishments, it would be found that when the soldiery committed any outrage, these very same parts of the press urged every argument for the necessity of controlling that body, and represented that in order to control them effectually, it was necessary to invent some mode of punishment. He was quite prepared to admit that corporal punishment in the army should be kept within the narrowest possible limits; he was anxious not to use this kind of punishment without the greatest possible necessity; but it was of great importance that the power of punishment should be known to exist. It was a very different thing in the control of a body of men, whether the persons placed in authority over them have the power of punishment or not. The knowledge that such a power existed in the hands of their officers, might frequently prevent serious evils—for instance, it might prevent mutiny. The hon. Gentlemen who had objected to the present system, had made very few, if any, suggestions as to what was to be done if the system were abolished. Other modes of punishment would be found to be in a very slight degree applicable to the case. The hon. Member for Wycombe (Mr. B. Osborne) admitted that on the march, and for mutiny and theft, it was necessary to retain the power of punishment; but neither he nor any other hon. Gentleman had given the House any insight into the mode in which they were to control military bodies in ordinary circumstances. The Judge Advocate had well observed, that if they adopted solitary confinement as a punishment, it might lead to evils no less prejudicial to the health, and even to the life, of the men, than the punishment they wished to abolish. Then the system of perpetual drills had been spoken of; but perpetual drills might wear down the soldier's constitution by keeping him to severe exertion from morning to night. The press had taken up that subject lately, if he was not mistaken; and he thought one newspaper had said that an officer who had been shot by one of his men, had been justly shot, because he had carried that punishment to excess. Looking, then, at the whole question, he agreed in the views which had been adopted by the Commander-in-Chief, and supported by Her Majesty's Government; and though it was expedient to reduce the punishment within 50 lashes, which was a less amount than that which had been long used in the navy without injury to the parties subjected to it, yet at the same time he thought it would be their duty to do whatever was in their power to improve the condition of the soldier, not by selecting him from that class of society of which the hon. Member for Durham (Mr. Bright) spoke, but by drawing to the ranks men of more elevated feelings, who would do their duty beneficially at home, and to the honour of their country abroad, without the necessity of recurring to those means of restraint and those punishments which were necessary when the army was composed of less worthy materials, but which, when he saw the army improved, the officers improved, and the whole tone of society improved, he should say were no longer necessary to preserve an effectual control.

Mr. HUME said, it was satisfactory to him to hear that the right hon. Gentleman was contented with fifty lashes. He could remember the time when nothing less than 300 lashes would satisfy the right hon. Gentleman; but the present were times of great changes, and this was one of them; and he (Mr. Hume) was glad to see that the right hon. Gentleman had changed. When it was said that hon. Gentlemen on his side of the House were opposed to ameliorating the condition of the soldier, he repudiated the charge. He had always been favourable to anything calculated to effect that object. When Lord Howick had brought forward his plan for establishing libraries and rewards in the army, there was nobody in the House more ready to give the plan support than he had been. He was sorry to hear the statements of the hon. Member for Windsor (Colonel Reid) as to the want of means of cleanliness on the part of the soldier. There ought not to be a barrack without a proper supply of water. What was the use of officers visiting the barracks if they allowed such a want of water and such improper ventilation to prevail as had been complained of? He thought the Secretary at War, or some other of the military authorities, ought to make an inquiry into the matter; and he would also suggest to the noble Lord at the head of the Government, that if he would give directions to supply, as far as possible, the means of cleanliness, good ventilation, and all the other requisities of health and comfort in the army, there was not one man in the House or the country who would not rejoice to see it carried into effect. He was quite surprised to hear the late Chancellor of the Exchequer charging any individual in the House with niggard administration. He who had so long held the situation of commanding the public purse, must have had representations from some quarters of the state of matters which had been mentioned to the House; and it was he, therefore, who was the niggard. It was he who, having neglected the opportunity when in power of removing these grievances, was answerable for all the evils which existed in consequence. He differed entirely from his hon. Friend the Member for Durham, in thinking that it was only the riffraff and reckless part of the community who entered the army. He differed from him also in thinking that there should be no army at all. He was a friend of peace; but in the situation in which the world was placed, he was satisfied that we must have a navy and army. He would have them, however, kept in the most respectable way. He would make the situation of sailors and soldiers an enviable one, so that people should be desirous to get into the army and navy, instead of being deterred from entering by the condition they were now in. His early opinions might perhaps bias him in this matter. He had served for several years in a time of war, and out of 12,000 troops not one had seen the lash; and these native troops too. He regretted that the noble Lord at present at the head of the Government in India (Lord Hardinge) had allowed himself to re-establish the system of flogging among the natives. He drew the attention of the noble Lord (Lord J. Russell) to the fact that the men in the Bengal army were (at least when he knew it) of a superior class, and that punishments were unnecessary among them, for whenever a man misbehaved, he was turned out of the regiment. The army at Madras was of a more mixed description, and that at Bombay equally so. Now, he would place the English army in the situation of that of Bengal, so that when a vacancy took place, there should, so far from there being any necessity to seek for troops, be twenty or thirty candidate sready to fill it. He assured the House, that in Bengal he never knew a man discharged or killed, but there were about fifty candidates for the situation. Was it not possible to place the British army in a situation of this kind? It had been said that they must support the authority of the corporals, the sergeants, and the different officers, and they could not do that unless they had flogging. But in France there was no flogging. He recollected also, that corporal punishment had been abolished in the State of Wurtemburg fifteen years ago; and he understood that the army was in a better condition since than it ever had been before. He believed there was no instance of abating brutality towards man which did not make him better. An hon. Member near him had mentioned the case of a regiment composed of 400 and odd men, among whom perfect discipline had been maintained without the use of the lash; and he himself knew of two line-of-battle ships in the North Sea in which the lash was never employed. When, therefore, they saw one part of the service conducted with perfect discipline without the necessity of the lash. the Government would do well to inquire why it was that every part could not dispense with it. When, some years ago, he brought this subject before the House, when the Government were saved only by a majority of eleven, and when a strong feeling existed in the country on the matter, the Horse Guards issued an order for limiting the punishment to certain cases. The cases to which it was limited were cases of mutiny, insubordination, and using or offering violence to superior officers, drunkenness on duty, and making away with accoutrements and necessaries. He was not aware that this order had been repealed; and if this was still the regulation, he held that Mathewson, who was flogged for crying "Halloa" to his sergeant, was punished illegally. He suspected that innumerable cases of improper punishment had taken place in the same way. The tendency of all power was to abuse, unless properly looked after. If they had had a return annually—which he hoped they would have in future—of the number of punishments in every regiment, and on board every ship at sea, together with the number of lashes inflicted in each case, which would let the light of day in and show whether particular officers ought to be entrusted with command—if this had been done, there would have been much less punishment than had taken place. He thought that the improvement which had taken place since the order to limit flogging was made, justified the expectation that the Government would abolish the practice of flogging altogether. It would be regarded as a great boon in the present state of the public mind. It should be remembered that 50 lashes implied 450 stripes, and that there were no regulations as to the length and size of the cat. He thought that some such regulations should be made. Nor should it be forgotten that even 50 lashes might cause death. It was true that there were no cases on record of men in the navy dying from that number, but then there were no coroners' inquests in the navy. The real evil, however, lay in the disgrace attending the punishment, and the consequent degradation of the soldier. There might be cases where men who had suffered the lash had nevertheless risen afterwards, possibly even to be officers; but in the majority of cases this mode of punishment made beasts of the men. There ought now to be an effort finally to abolish it. A more favourable time there could not be than when we were at peace, and had a complete command over the men. He should vote with his hon. Friend.

Mr. GOULBURN called on the hon. Gentleman to state when he (Mr. Goulburn) had been in favour of the infliction of 300 lashes?

Mr. HUME said, in 1833, the number having been reduced from 1,000 to 300, the right hon. Gentleman did not vote to reduce the number.

Mr. GOULBURN said, the question then before the House was the total abolition of flogging.

Colonel SIBTHORP was sure the House would receive with sovereign contempt a proposal coming from such a man as the hon. Mover. From such a man only could it emanate. The service at least would rejoice in the reflection that the hon. Member never did belong to it; and when the hon. Member said that it was composed of the outcasts of society, the service would equally rejoice to know that he never could belong to it.

Colonel WOOD expressed a hope that the hon. Member for Montrose, and those who, with him, were usually the advocates of economy in the public expenditure, would be prepared to vote the money that would be necessary to make the soldiers more comfortable in barracks. He could conceive nothing more calculated to promote discipline and good conduct among the troops. With regard to the question before the House, he might speak from personal experience. Though he at one time had from 1,200 to 1,500 men under his command, yet such was his objection to the infliction of corporal punishment, that very few cases had occurred to call for it. He had always regarded the punishment with disgust. Everything that could be done ought to be done to raise the character of the soldier, and improve the service. Nothing would tend so much to improve the service as a limited period of enlistment. The experiment had been tried, but not fairly. The period of seven years was too short for the first term; if ten years were tried, and the power were exercised of refusing a man if of bad character, and, if merited, soldiers at the end of a second period extending to eleven years were to receive a better pension than was now allowed, he believed the effect would be greatly for the benefit of the army. The soldier now received but a miserable pittance of pension; after a twenty-four or twenty-five years' service, he got only sixpence a day. He thought the pension should be raised to tenpence or one shilling a day, and should be given after twenty-one years' service. A limited period of enlistment and an increase of pension would do much to improve the service, and render such severe corporal punishments as had been inflicted in the late unfortunate case altogether unnecessary.

Mr. CURTEIS said, since he had been in Parliament he had done his utmost to procure the abolition of corporal punishment. He would abolish it in the army, the navy, the prisons, and the public schools. The country was under obligations to the noble Lord (Lord J. Russell) for the advance he had made in the right direction. Having been asked to join an association for promoting the abolition of corporal punishment, he (Mr. Curteis) had declined, on the ground that he had it in his power to express his views in that House; but if it would be any accommodation to the noble Lord, he should have much pleasure in transferring to his Lordship a ticket of admission for the platform, to a meeting which was to be held on the subject upon Wednesday week. He mentioned this circumstance only to show the resolution of the country. He would recommend the gentlemen of the Horse Guards to put their house in order; for undoubtedly, in a few years, they would have to concede to public opinion. The country expected that the Horse Guards would make their preparations, so that in the course of a few years corporal punishment should be entirely abolished. In regard to the recent case which had urged the question on public attention, the coroner and jury had manfully done their duty; and though the verdict was indirectly sneered at by the right hon. the Secretary at War (Mr. F. Maule), still in the face of the country no such sneer could deprive the jury of the honour and credit they deserved for the good they had done. He did not think that it was just to throw any unfair imputation upon the officers of the regiment. They did not seem to have had more to do with the matter than officers had in other cases. It was the system which was at fault. It was true that facilities which could have been wished for carrying on the investigation had not been afforded to the coroner; and it was to the immortal honour of the Rev. Mr. Trimmer, that owing to him the inquest had been held. He deserved the greatest possible praise; for had it not been for him the inquiry would not have taken place, and the feeling of the country would not have been so strongly evoked as it had been against the continuance of corporal punishment.

The House divided on the Question, that the words proposed to be left out, stand part of the Question:—Ayes 90; Noes 37: Majority 53.

List of the Ayes.

Anson, hon. Col.
Antrobus, E.
Archdall, Capt.
Bannerman, A.
Bateson, T.
Berkeley, hon. C.
Berkeley, hon. Capt.
Blackburne, J. I.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Buller, C.
Byng, rt. hon. G. S.
Cardwell, E.
Churchhill, Lord A. S.
Cockburn, rt. hn. Sir G.
Colebrooke, Sir T. E.
Cowper, hon. W. F.
Craig, W. G.
Douglas, Sir H.
Dundas, Adm.
Dundas, D.
Ebrington, Visct.
Ferguson, Sir R. A.
Forster, M.
Fox, C. R.
Gibson, rt. hon. T. M.
Gore, M.
Gore, W. O.
Gore, hon. R.
Goulburn, rt. hon. H.
Greene, T.
Grey, rt. hon. Sir G.
Hall, Col.
Hamilton, G. A.
Harcourt, G. G.
Hawes, B.
Henley, J. W.
Hobhouse, rt. hn. Sir J.
Howard, P. H.
Howard, Sir R.
Ingestre, Visct.
Jervis, Sir J.
Kemble, H.
Labouchere, rt. hon. H.
Langston, J. H.
Le Marchant, Sir D.
Lindsay, hon. Capt.
Lygon, hon. Gen.
Macaulay, rt. hon. T. B.
Maitland, T.
Maule, rt. hon. F.
Mildmay, H. St. J.
Mitcalfe, H.
Morpeth, Visct.
Napier, Sir C.
Nicholl, rt. hon. J.
O'Conor Don
Pakington, Sir J.
Palmerston, Visct.
Parker, J.
Peel, J.
Pigot, rt. hon. D.
Plumridge, Capt.
Polhill, F.
Price, Sir R.
Pulsford, R.
Reid, Col.
Repton, G. W. J.
Russell, Lord J.
Rutherfurd, A.
Scrope, G P.
Seymour, Lord
Seymour, Sir H. B.
Sheil, rt. hon. R. L.
Sheridan, R. B.
Sibthorp, Col.
Smith, J. A.
Somerville, Sir W. M.
Sutton, hon. H. M.
Taylor, E.
Traill, G.
Troubridge, Sir E. T.
Ward, H. G.
Wellesley, Lord C.
Wood, rt. hon. C.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Wyse, T.

TELLERS.
Hill, Lord M.
Tufnell, H.

List of the Noes.

Arundel and Surrey, Earl of
Baine, W.
Bernard, E. G.
Berkeley, hon. H. F.
Bouverie, hon. E. P.
Bridgeman, H.
Bright, J.
Brotherton, J.
Browne, W.
Collett, J.
Crawford, W. S.
Curteis, H. B.
Dennistoun, J.
Duncan, G.
Duncombe, T.
Escott, B.
Etwall, R.
Evans, Sir D. L.
Ewart, W.
Fielden, J.
Fuller, A. E.
Horsman, E.
Layard, Capt.
Mitchell, T. A.
Moffatt, G.
Morris, D.
Osborne, B.
Pechell, Capt.
Protheroe, E. D.
Tancred, H. W.
Thornely, T.
Turner, E.
Wakley, T.
Warburton, H.
Wawn, J. T.
Williams, W.
Yorke, H. R.

TELLERS.
Hume, J.
Bowring, Dr.

Main Question agreed to. Order read. Motion made that Mr. Speaker do now leave the chair.

Mr. B. OSBORNE then moved the following Resolution as an Amendment:—

> "That it shall not be lawful to inflict corporal punishment by flogging, on any private soldier, corporal, or non-commissioned officer in the Army or Militia of the United Kingdom, save for offences committed on a line of march, mutiny, or theft, and that in all such cases the number of lashes be limited to fifty."

Lord J. RUSSELL said, the principal point, the limitation of the number of lashes, had been already settled by the directions to be given by the Commander-in-Chief. As to the other part of the Resolution, the House could not then attempt to fix the offences for which punishment should be awarded. The Resolution appeared to leave the punishment for open mutiny, but not for insubordination, or violence to a superior officer that might endanger his life. They could not consent to the Resolution without further deliberation.

Mr. B. OSBORNE believed striking an officer would be considered mutiny. He should go to a division.

The House divided on the Question, that

the words proposed to be left out, stand part of the Question:—Ayes 81; Noes 25: Majority 56.

Main Question agreed to. Supply considered in Committee. House resumed. Committee to sit again.

House adjourned at half-past One o'clock.

[We insert only the names on the first division. The names on the second division were the same as those on the first, with the exception that some hon. Members had left the House.]

HOUSE OF COMMONS,

Saturday, August 8, 1846.

MINUTES.] PUBLIC BILLS.—1°. House of Commons Offices; Naval and Military Departments; Public Works Commissioners (Ireland); Public Works and Fisheries.

2°. Contagious Diseases Prevention.

Reported. Deodands Abolition (No. 2); Death by Accidents Compensation; Forms (Assessed Taxes); Militia Pay.

3°. and passed. Naval Medical Supplemental Fund Society; Sugar Duties (No. 3); Fisheries (Ireland); Exclusive Privilege of Trading Abolition (Ireland).

PETITIONS PRESENTED. By Mr. Villiers, from Secular Clergymen and Laymen of Bilston and Wolverhampton and their Vicinities, professing the Roman Catholic Religion, in favour of the Roman Catholic Relief Bill.—By Viscount Ebrington, from the Honourable Newton Fellowes, of Eggesford, and from Occupiers and Owners of Land in the Parishes of Chawleigh and Eggesford, for carrying the Tithe Commutation Act.—By Mr. Sharman Crawford, from Members and Adherents of the Church and Congregation meeting at Ebenezer Chapel, Hexham, Northumberland, against the sanctioning, by Votes of Money or others, any further Embarkation of Troops from the United Kingdom to Foreign or Colonial Countries.—By Mr. William Lascelles, from the Committee and Members of the Wakefield Mechanics' Institution, in the West Riding of Yorkshire, in favour of the Corresponding Societies and Lecture Rooms Bill.—By Mr. W. Lascelles, from Guardians of the Poor of the Wakefield Union, in the West Riding of the County of York, for Repeal of the Poor Law Amendment Act.—By Mr. S. Crawford, from Thomas Callan, an Inhabitant of the Town of Arden, in the County of Louth (Ireland), Gentleman, for Assimilating the Irish Poor Law to that of England.

SITES FOR DWELLINGS.

VISCOUNT MORPETH said, with respect to the two Bills for sites for dwellings, which stood for a second reading that day, as he understood the noble Lord formerly at the head of the Woods and Forests had some objection to make to them, and considering the very advanced period of the Session, and considering also that general questions of a sanitary nature must come under the notice of Parliament next Session, he thought it better not to press these Bills upon this occasion; and he would therefore move, that they be read a second time that day month.

Motion agreed to.

CONSTABULARY—(IRELAND).

On the Order of the Day for going into Committee on the Constabulary (Ireland) Bill,

MR. B. OSBORNE said, there were several Irish Bills before the House, but he had been unable to get any information from the Government as to what Bills they intended to proceed with. The only one they seemed prepared to go on with was the Arms Bill; but he thought they had better give them all up.

LORD J. RUSSELL said, if the hon. Gentleman would ask him with regard to any Bill that stood on the Paper for that day, he should be prepared to give him an answer. With regard to the general measures connected with Ireland, the hon. Gentleman had on the preceding day asked a question respecting some particular Bills, and had received a detailed answer from his right hon. Friend the Secretary for Ireland. [Mr. B. OSBORNE: I received no answer. I spoke of the District Lunatic Asylums Bill.] That Bill did not stand for that day; but when it was in the Paper his right hon. Friend would be ready to give the hon. Gentleman an answer. The hon. Gentleman said, the only Bill the Government seemed desirous of proceeding with was the Arms Bill; but that was not quite the fact. The object to which the attention of the Government was specially directed was to provide work for the unemployed poor during the next autumn and winter, and, therefore, they had looked very carefully over the Bills that were passed in the early part of this Session. All those Bills had undergone a very minute revision, and it was intended to carry similar Bills —they had already been introduced— through the House, which should provide, in the best way they could, employment for the poor during the autumn and winter. With regard to the permanent Irish Bills, the Government had reserved them for the next Session of Parliament; and as to those Bills which were continued from year to year, and which it would be dangerous to stop at once without consideration, the Government proposed to keep them on foot in order that they might be discussed fully next Session. With regard to the Arms Bill, when it was brought in by the late Government, he said he thought it would be necessary to continue it another year.

House went into Committee.

Bill passed through Committee, and House resumed.

SUGAR DUTIES.

On the Order of the Day for the Third Reading of this Bill,

Sir J. R. REID said, before this Bill passed, he wished to say that he retained the opinion which he had on a former occasion expressed with regard to it. Since that time he had spoken with a great many individuals who were interested in this question, and they entirely concurred in the sentiments he had then uttered. Every day convinced him more and more of the truth of those sentiments. Still, the West India interests were prepared to carry this Bill into effect, if they might have more labour—if molasses were allowed to be introduced—and if rum were put upon an equality with British spirits.

Mr. P. M. STEWART said, that since this measure was announced, a packet had gone out to the West Indies and returned from there, and, from the information that packet brought, it behoved the Government to prepare without delay those other measures upon which the success of this one depended—he meant measures extending the principles of free trade to the Colonies. All that the West India interests asked was to be able to compete with the foreigner, but which, in consequence of the unwise legislation of that House, they had been prevented from doing since the Emancipation Act was passed. He understood that a number of bills of exchange which had been forwarded from the West Indies had been refused acceptance, under the apprehensions that now prevailed.

The CHANCELLOR of the EXCHEQUER said, he had already announced to the House that on Monday he should move that the House go into Committee on the Customs' Duties Act, in order that he might then propose the reduction the Government intended to make in the duty on rum. With regard to the other measures referred to by the hon. Gentleman who spoke last, he did not see the possibility of carrying them through this Session. All he could say was, that inquiries on the subject were already commenced, and no time should be lost to ascertain what it was thought possible to do; and at an early period of next Session what could be done should be done.

Bill read a Third Time and passed.

THE NEW CORN LAW.

Mr. C. P. VILLIERS called the attention of the House to the petition of Robert Maule Gillies and George Horne, respecting the duties on rye, peas, and beans. The hon. Member stated that great inconvenience had arisen from an error in the Corn Importation Act, which in the 4th section provided that the duty on rye, beans, and peas, should be regulated as it was under the former Act; while the schedule directed that the rate of duty on those articles should be regulated by the average price of barley. The importers waited until the rate of duty on these articles of grain was declared by the regular officer, who directed that the duty should be regulated as it had been under the former law. Subsequently, however, a question on the subject was raised at the Custom-house, and the case was referred to the law officers of the Crown, who were of opinion that the Act specifically required that the duties should be regulated by the price of barley. Now from the statement made by the late Prime Minister with regard to Indian corn, he thought this could not have been the intention of the Legislature; for the right hon. Baronet (Sir R. Peel) had observed, that though the duty on Indian corn had previously been regulated by the price of barley, he considered that there was no relation between the two articles. He presumed, therefore, as there seemed to have been some error in the Act, that the Government would be prepared to propose its Amendment, and to make some declaration that the Treasury would issue an order for the reduction of the high rate of duty on the articles to which the petition referred.

The CHANCELLOR of the EXCHEQUER had no reason to believe that any error had been committed, and he was not, therefore, prepared to make such a declaration as was suggested by the hon. Member.

Mr. HENLEY considered, when the subject was mentioned, that a mistake had been committed, but he did not think it of any material importance; and he thought it would be unwise to disturb the measure recently passed on account of such an error.

Mr. C. P. VILLIERS said, the mistake was not unimportant, for, under the existing law it was not improbable, judging from present appearances, that within a fortnight, beans would be dearer than wheat, and that in a month this duty would amount to an actual prohibition. He wished to ask his right hon. Friend whether he would have any objection to exercise the discretion which he (Mr. Villiers) believed was vested in the Treasury, and to issue an order for reducing the rate of duty.

The CHANCELLOR OF THE EXCHEQUER doubted whether the Government had the power to alter any duties which had been imposed by Act of Parliament.

House adjourned at half-past One o'clock.

HOUSE OF LORDS,

Monday, August 10, 1846.

MINUTES.] PUBLIC BILLS.—1ª. Sugar Duties (No. 3); Loan Societies; Copyhold Commission; Fisheries (Ireland); Highway Rates; Naval Medical Supplemental Fund Society; Exclusive Privilege of Trading Abolition (Ireland); Stock in Trade; Turnpike Acts Continuance.

3ª. and passed. Burial Service (No. 2); Consolidated Fund.

PETITIONS PRESENTED. By Lord Stanley, from Dublin, against the Exclusive Privilege of Trading Abolition (Ireland) Bill.—From Leeds and Manchester, for Repeal of the Anatomy Act.—By Lord Redesdale, from the Leicester Poor Law Union, and from other places, against the Poor Removal Bill.—From St. Weonard's, Hereford, for Repeal of Lunatics Act and Lunatic Asylums and Pauper Lunatics Act.—From Eggesford and Chawleigh, for Repeal of the Tithe Commutation Act.

SUGAR DUTIES.

The EARL of CLARENDON said: My Lords, I rise for the purpose of moving the First Reading of the Sugar Bill, which under ordinary circumstances, and according to the practice of the House, would be a merely formal Motion, as your Lordships always give a first reading to every Bill, and discourage any explanation of it which may lead to discussion, reserving such discussion until the second reading, when your Lordships have had the opportunity of giving it consideration, and are better prepared to enter into the subject. And if I depart from that course on the present occasion, I assure your Lordships that it is from no wish to alter the practice of the House, or to establish a precedent which your Lordships would not sanction, and still less from any desire to bring on a discussion of the measure prematurely; but I have been given to understand that it would be a great personal convenience to several of your Lordships, considering the period of the Session, that the debate should take place with no avoidable delay; and I think that no inconvenience can result from discussing the Bill in this early stage, for it is one with the provisions of which your Lordships must be by this time well acquainted, and on the principle of which you have had time to form an opinion. I trust that the opinion of your Lordships will not be adverse to this measure; and that it may be permitted to pass without opposition; but even were I certain of this, I should consider myself wanting in respect to your Lordships, and improperly discharging my duty, if I did not state the grounds upon which Her Majesty's Government ask your concurrence in a measure involving considerations so various, and interests so great and important. I therefore must request your indulgence whilst I state in detail the nature of the measure. I trust I shall not unnecessarily occupy your Lordships' time in giving this explanation—a task, however, which is much simplified and facilitated by the policy within the last four years adopted by the Government, and sanctioned by Parliament—for I feel that I should be trespassing on your Lordships' time if I entered upon the general question of protection, or undertook to show what, in my humble opinion, are the evils that are associated with that principle; because, for the last four years, in each succeeding Session—in one form or other—to a greater or less extent—Parliament has pronounced its deliberate judgment that the protective system is an erroneous one; and that any legislation for the purpose of giving a preference to one class over another—to the few over the many—ought not to be longer continued. Parliament has ceased to legislate for particular interests, and having adopted the general principle of national benefit, the system of protection, or rather I should say of non-protection, is now a settled, and I will venture to add an irrevocably settled question. I will therefore say no more upon this beyond expressing the confident belief I entertain that as your Lordships have decided upon withdrawing protection from British agriculture, you will not refuse to adopt a similar policy towards the Colonies, and that you will consequently not reject the Bill now on your Table, which is the consequence and the corollary of the measure that you agreed to, with respect to British agriculture, a few weeks ago, by a large majority. I am further inclined to hope that you will adopt this measure, for I rely so strongly upon the consistency of your Lordships as to believe that no political changes could be sufficient to induce you to depart from the principle which you have so recently adopted. I also am disposed to believe you will agree to this measure, because a rejection of it will continue to place beyond the reach of the great body of the people the advantage of obtaining at a cheap price an article which has now become one of the necessaries of life, and be alike injurious to the revenue, to the people, and to a large class of our fellow subjects, whose interests we are bound to regard carefully—the British producers of sugar. On this question, so important to them, I am bound to say—and I have pleasure in so doing—that that class has exhibited great moderation and forbearance. They have claimed nothing beyond what is enjoyed by the agriculturist at home; and from the moment they understood that the abolition of the Corn Laws was a settled question, they also understood that the prohibition against foreign sugar entering the English market could not be longer allowed to continue; and that they could not expect to maintain that untenable distinction between free-grown and slave-labour sugar. They felt, as the British agriculturists felt, that the most injurious thing that could happen to them would be a prolongation of uncertainty; they have been so tortured by doubts, by constant agitation, and by the annual discussions of their affairs in Parliament—which have rendered their business profitless, their property unsaleable, and all improvement from the application of capital and machinery impossible—that their readiness for some final settlement of the question has become equal to the impatience felt for it by the consumers of sugar in this country who reflected upon the enormous amount of differential duties which this country paid in order to maintain a high price of one of the necessaries of life—which duties, together with the 20,000,000*l.* which were paid as compensation to the planters, amounted in a period of eleven years to 42,000,000*l.*; and no wonder that the public feeling should revolt against an annual payment of 3,200,000*l.* in the shape of differential duty, in order to place themselves upon the shortest possible allowance of what had now become one of the necessaries of life. My noble and learned Friend has said he hoped not to hear in this debate the cry of a "sugar famine." I shall to a certain extent indulge my noble and learned Friend's expectation, because famine is usually a sudden and unforeseen visitation, against which no human precaution can guard: but in the case of sugar I will prove, that a constant, cruel, and unnecessary dearth has been created by our own legislation. So long as forty years ago, when the population and wealth of this country were not to be compared with those of the present day, the amount of sugar which every individual consumed annually was estimated by some persons at 30 lbs.; but I will take the lowest estimate, and suppose 22 lbs. to be the consumption of each individual; and that this is no exaggerated estimate, even as regards the humblest classes, I can show, by referring to the allowance of sugar for aged paupers, which is 22¾ lbs.; whilst the allowance of sugar for sailors in the navy is 34 lbs. 10 oz. Yet, notwithstanding the advance of the country in population—in wealth—in the mode of living—notwithstanding that the standard of comfort has been raised, the average amount of sugar consumed annually on an average by each person in this country is little more than 16 lbs. And even this does not give an accurate account of the quantity consumed by the poor, and by the labouring classes; because in estimating the average consumption of sugar by each individual, we ought to recollect that the price of the article has had little effect as regards the consumption by the upper and middle classes—that the consumption by the middle classes is about 37 lbs. per head—the consumption by the more affluent is reckoned at 60 lbs. a head: and by deducting these quantities, it will be found that the quantity left to be divided among the poor and labouring classes, which comprise three-fourths of the population, does not reach 8 lbs. per head, or, in other words, 180 per cent below the allowance to paupers and convicts, and 300 per cent lower than the common sailor. In order that we may judge of the effect which differential duties have had on the consumption of sugar, I may state that I have a document before me which states that the consumption of sugar in New South Wales is 104 lbs. per head annually; whilst here at home, if reference were made to the numerous tables published as to the mode in which the weekly wages of the poor man are spent, it will be found that it frequently happens that the labouring man cannot afford to purchase for himself and family more than three or four ounces per week; and I find, from the reports of the Poor Law Commission, that the price of the article is such as frequently excludes it entirely from the poor man's house. I am aware, my Lords, that this may be sneered at as a famine argument, and in our humanity towards the negro race it may be looked upon as a necessary state of things; but, for my part, I look upon it to be disgraceful to the Legislature that has entailed such privations upon the poorer and unprotected classes of the community with respect to an article than which, with the exception of bread, there is none more wholesome, more nutritious, or more necessary. The absurdity of the system is moreover brought out into greater prominence when we consider that our policy with respect to articles similar in their uses has been directly the reverse, and that to that policy we are always appealing in proof that exorbitant duties are as inimical to the interests of the consumer as they are to the revenue; and in order to illustrate this, I will beg your Lordships' attention to the course of legislation recently adopted with regard to coffee, and to the results which followed that legislation. In 1831, the duties were, on colonial coffee 1*s.*; on East Indian 1*s.* 6*d.*; and on foreign 2*s.* per lb. In the year 1825, the duties were, on colonial 6*d.*; on East Indian 9*d.*; and on foreign, 1*s.* 3*d.* In 1842, the duties on East Indian and colonial coffee were reduced to 4*d.*, and the duty on foreign was 8*d.*; and in 1844 the duty on foreign had been still further reduced to 6*d.* The consumption in the year 1821 was 7,103,000 lbs.; in 1831, it was 22,740,000 lbs.; in 1841, it was 28,421,000 lbs.; and in 1845, it was 34,318,000 lbs.; whilst the revenue had increased from 340,233*l.* in 1821, to 718,923*l.* in 1845. Again, with respect to the consumption of tea, the former duty was 100 per cent on the cost of the article; but there has been a great increase in the consumption owing to the opening of the China trade, and the reduction of the duty to 2*s.* 1*d.* a pound. In 1821, the consumption of tea was 22,000,000 lbs.; in 1831, it was 29,000,000 lbs.; in 1841, it was 36,000,000 lbs.; and in 1845, it was 44,000,000 lbs.; the duty having been reduced from 4*s.* 9*d.* and 3*s.* 9*d.* to 2*s* 1*d.*; whilst the revenue had largely increased from 3,200,000*l.* in 1821, to 4,832,666*l.* in 1845. With respect to the consumption of sugar, in 1821 it was 4,373,530 cwts; in 1836 it was 4,364,253 cwts.; in 1841 it was 4,208,324 cwts.; in 1844 it was 4,300,000 cwts.; and in 1845 it was 5,091,304 cwts. The revenue from 1828 to 1845 had varied from 5,500,000*l.* to 3,860,000*l.* in the last year; whilst the price of sugar, which was in 1828 1*l.* 11*s.* 8*d.*, was in 1845 1*l.* 12*s.* 4*d.*; the lowest price having been, in the year 1831, 1*l.* 3*s.* 8*d.*, and the highest reaching to 2*l.* 8*s.* $7\frac{3}{4}$*d.* in 1840, exclusive of duty. But within the last seventeen years our population has increased 4,000,000; and the fact of a necessary of life remaining stationary during that period is a proof that the time is arrived when it is right that the duties on that article should be placed on a liberal and permanent basis; and it has been the endeavour of Her Majesty's Government to effect this object with due regard to the interests of the British producer, to the wants of the people, and the exigencies of the revenue, without, as I trust I shall be able to show, the flagrant violation of such morality as we can lay claim to, that my noble and learned Friend has been pleased to assume. I will not, on this occasion, enter into all the classifications of sugars on which the present measure proposes to make reduction: it will be sufficient to say that all sorts are proportionately reduced; and they will be clearly understood when I describe the duties on muscovado, which is the principal article of consumption. We propose to retain the duty of 14*s.* on British colonial sugars, and to place all foreign sugars on the same footing with a duty of 21*s.* from July 1846, to July 1847; with a duty of 1*l.* from July 1847, to 1848; of 18*s.* 6*d.* from 1848 to 1849; of 17*s.* 6*d.* from 1849 to 1850; of 15*s.* 6*d.* from 1850 to 1851; and afterwards to be on the same footing, and to pay the same duty as British colonial sugar. That is the proposal; and however great and important the change may be, I am convinced that its operation will ultimately be beneficial to the West Indian proprietors. I will not advert at any length to the many errors which the planters have committed, in leaving their properties to be mismanaged by agents, often ignorant or dishonest—in their not fairly recognising the emancipation of the negroes, nor reconciling themselves to treat their former slaves as freemen; but they have continued until lately, as they did in the time of slavery, to rely entirely on manual labour for the cultivation of their estates and the production of sugar, instead of putting better implements into the hands of their labourers, and improving their intelligence, and employing an increased capital; forgetting that increased capital and increased intelligence make labour more productive, just as the labour of a man in Lancashire, at 30*s.* a week, is rendered by the aid of machinery more profitable to his employer than the labour of an Irish peasant at 8*d.* per day. The owners of property and employers of labour in our Colonies derive, in fact, no advantage from the existence of those high differential duties—they do not receive one farthing from them, for they go entirely to increase the cost of production, about which the planter is indifferent, knowing that we must have sugar, and can only get it from him; and in turn the same system encourages idleness and carelessness on the part of the labourer. As a proof of the want of advantage to the producer, I may mention that the small importation of 3,500,000 cwt. of sugar in 1840 produced more profit than the importation of 4,500,000 cwt. in 1845. Under such a system improvement has been impossible; and although the planters are alarmed at any change, we must remember, my Lords, that whenever it has been proposed to remove protection from any interest, the change has been invariably accompanied by predictions of ruin, which have afterwards been as invariably falsified. Your Lordships may bear in mind, in 1824, when Mr. Huskisson reduced the duty on foreign iron, what prophecies there were that our home manufacture would be ruined, and that every furnace would be blown out. But what was the consequence? We manufactured 300,000 tons then: we make 1,800,000 tons now. We must remember also, that when this monopoly was given to the Colonies, there was a counter-monopoly secured to this country by which the colonists were obliged to buy from us at a high rate every article they required for their own consumption; but I say, my Lords, do away with all these injurious restrictions by which we have been retarding the progress of our Colonies—do away with that state of doubt and uncertainty which prevents improvement and which paralyses exertion—do away with those differential duties—give every facility consistent with safety for the emigration of labourers—throw both the proprietors and the labourers on their own resources, and make each feel that his success depends upon his own exertions—do all this, and I am confident that the West Indians need have no more apprehension as to the result than the East Indians; and we know that they have no apprehension, for the hon. Baronet the Chairman of the East India Company (Sir J. W. Hogg) has stated that they have none, and that they do not complain of the Bill. That hon. Baronet is reported to have read in another place a Resolution of the Members of the East India and China Association, called together by circular for the special purpose of considering the measure of the Government, from which it appears that they came to the unanimous determination that though the measure did not afford that amount of protection which the East Indies had a right to claim, yet they did not wish, under all the circumstances, to press for any alteration, or to offer any objection to this measure. Your Lordships must remember also that the protection which remains will not be altogether insignificant. For the first year it will be 50 per cent; for the second, 43 per cent; for the third, 32 per cent; for the fourth, 21 per cent; and for the fifth, 10 per cent. I know that the British producers have complained that the duty of 21*s.* is too low; and we have been asked why we do not retain on all foreign sugar the duty of 23*s.* 4*d.* per cwt., which is now imposed on foreign free-labour sugar? The reason for that, however, is obvious. In order to obtain an extended consumption, it is considered that the maximum price of sugar, duty included, should not exceed 45*s.* a cwt.; and as the maximum price of foreign sugar lately has been 24*s.* 3*d.*, if to that were added 23*s.* 4*d.* duty, the price would be 47*s.* 7*d.*, which is about 2*s.* 7*d.* above the maximum price which is desirable. But if we add 21*s.*, for duty, to the 24*s.* 3*d.*, we have the price to the consumer a little above 45*s.* 3*d.*; so that if any rise does take place in foreign sugar, the protection will in fact be too high instead of too low. The price of British Colonial sugar has been recently 50*s.* a cwt., including the duty; but that price is unusually high, and arises from the short crops of last year. In anticipation of this Bill becoming law, in the sales which have taken place during the last week, the two sugars have found their level, and British Colonial and foreign have been selling at the same price to the consumer. I now come to the quantity which we may expect to receive, and the increase of consumption which may be looked for. I of course do not mean to rely with any confidence upon the estimates of a production influenced by so many circumstances as sugar—they can at best be but approximative. The details, however, have been collected with care from quarters which appeared most trustworthy, and they have been framed with a studious desire to avoid exaggeration. We estimate that we shall receive from the 5th of July, 1846, to 5th of July, 1847—

	Tons.		Cwts.
Of colonial sugar ……	230,000	or	4,600,000
And of foreign sugar…	40,000	—	800,000
In the second year, 1847-8:—			
Of colonial sugar ……	240,000	—	4,800,000
Of foreign sugar ……	50,000	—	1,000,000
In the third year, 1848-9:—			
Of colonial sugar ……	250,000	—	5,000,000
Of foreign sugar ……	68,000	—	1,360,000
In the fourth year, 1849-50:—			
Of colonial sugar ……	260,000	—	5,200,000
Of foreign sugar ……	80,000	—	1,600,000
In the fifth year, 1850-51:—			
Of colonial sugar ……	270,000	—	5,400,000
Of foreign sugar ……	95,000	—	1,900,000

Then with respect to what I am sure your Lordships will consider a very important branch of this question—the revenue to be derived. When we consider the necessity, not only of maintaining but of extending our military and other establishments, of placing our national and colonial defences in, I trust a very different condition to what they are at present—when we consider the necessity of increasing also our colonial establishments, the necessity of providing funds for extending education—in short, if we consider the absolute scarcity that exists in every department, and the necessity that there is for more effectually carrying on the public service, you will admit that it is most desirable that we should increase our revenue by every practicable means; and you will consider those means the best which, while they accomplish that object, shall also increase the comforts, without augmenting the burdens, of the people. I trust that such may be the effect of the measure now before your Lordships; and that the revenue will materially exceed that which under the present duties is derived from sugar, which was last year 3,800,000*l.*; for assuming the estimates which I have just read of the quantities of sugar to be correct, the revenue may be calculated for the present year—

		£	£
From July, 1846	Colonial	3,220,000	4,060,000
To July, 1847	Foreign	840,000	
—— 1847	Colonial	3,360,000	4,460,000
—— 1848	Foreign	1,100,000	
—— 1848	Colonial	3,500,000	4,758,000
—— 1849	Foreign	1,258,000	
—— 1849	Colonial	3,640,000	5,000,000
—— 1850	Foreign	1,360,000	
—— 1850	Colonial	3,780,000	5,252,500
—— 1851	Foreign	1,472,000	

And the possible estimate after 1851, when the duties would be equalized, may be—

	Tons.	cwts.
Colonial	275,000	or 7,600,000 at 14*s.* 5,320,000*l.*
Foreign	105,000	

I have now endeavoured to show briefly what have been the inconsistency and the impolicy of the system which we have so long pursued, but which we are, I trust, about to abandon. I have attempted to show in what manner the Government has endeavoured to reconcile the interests of the producers and the consumers, and to point out the grounds on which a certain and no inconsiderable increase of revenue may be expected. I am afraid I may have done this inadequately. My object has been for the present to confine the remarks which it was my duty to make within the briefest possible compass, in order not to exhaust your Lordships' patience with unnecessary details; and I was the more desirous to be brief upon these points, because I fear I must, with your Lordships' permission, still claim your attention for a short time longer, whilst I refer to another branch of the subject which has occupied a great deal of public attention, and with respect to which I feel the deepest anxiety, though at the same time the greatest confidence, and that is, whether, with respect to the Slave Trade, the Government has been warranted in proposing, and your Lordships will be justified in assenting to this measure. First, I must beg leave to say that I yield not to my noble and learned Friend, or to any man living, in abhorrence and detestation of that infamous traffic, and that there is no sacrifice or risk I would not incur to put a stop to it; and if I thought we could check that system by persevering in the course we have hitherto pursued, or that it could be accomplished by continuing our differential duties, I would be no party to introduce the measure now before you. I should consider no risk, no sacrifice too great for such an object; but at the same time I should require to know that we were certain to accomplish our end; that the results were equal to the sacrifice; that, while we diminished the receipts of our Exchequer, we really did put an end to the traffic in human beings; that when we imposed high prohibitory duties, there was at the same time no question of colonial protection mixed up with them; and that when we inflicted severe privations on our people, we did not expose ourselves to the charge of hypocrisy. Can any one say that these conditions have been realized? Can we, calmly and dispassionately reviewing the past, say that we have succeeded in these objects, notwithstanding all the risks we have run, the sacrifices we have incurred, and the international dangers we have exposed ourselves to? Why, it is notorious that during the last thirty years we have, with unabated courage and energy, been struggling for the abolition of the Slave Trade; and we have succeeded in nothing but in rendering it a smuggling trade. Your Lordships must, I am sure, still bear in remembrance that most eloquent description which my noble and learned Friend gave a few nights ago of the futile efforts which Napoleon, the greatest power of modern times, vainly made, with all the prodigious means at his command, to put down smuggling; but as Napoleon failed with respect to our commerce, so have we failed with respect to the Slave Trade. We have made treaties with every maritime Power in the world, not one of whom—and I say it advisedly—not one of whom believed in the sincerity of our motives, not one of whom entered willingly into engagements with us—not one of whom has entered into cordial co-operation with us. We have spared neither expense nor trouble; all our naval force, all our diplomatic skill, have been brought to bear upon the subject—we have endangered our commerce, we have injured our revenue, we have imposed privations on our own people, we have quarrelled with our best allies, who were too weak to resist us, while we have succumbed to others more powerful—against two we have passed hostile enactments, and against a third we have been driven into a discreditable interpretation of treaties; and we have not only not checked, but we have greatly increased, the numbers of those miserable beings who are torn from their families and their country—we have not stopped the demand, and we cannot stop the supply; but we have added infinitely to the horrors of the middle passage; and when we find from the reports of our Commissioners that seventy-five vessels were seized last year, and that if the slave-trader runs one cargo in five he incurs no loss, it is not too much to affirm that, in order to supply the places of the negroes dying at sea, calculated at 25 per cent, or captured by our cruizers, or thrown overboard to avoid them, double the number are kidnapped and torn from their homes now as when the Slave Trade was perfectly free, and the brutal dealers in human flesh and blood were accustomed to treat their victims with greater humanity. Now, far be it from me to regret that we have pursued this system; but what I say is, that, acknowledging as we must its want of success, do not let us obstinately adhere to that alone; do not let us refuse to adopt other measures, however much we may have been committed against them, when their necessity was less apparent than it is at present; do not let us refuse to deal with this worst of all contrabands by the method by which alone any contraband trade can be successfully opposed—that of rendering it unprofitable. Now, on this ground of humanity, I do believe that this Bill ought to pass; and I fearlessly assert my belief in this, though I know I shall expose myself to be classed amongst wild and visionary theorists by my noble and learned Friend opposite. The measure, in the first place, abolishes protection; and if it be true, as we assert, that protection is injurious to agriculture, and that under that system agriculture cannot flourish and improve—if it be true with respect to agriculture, as to every other branch of industry, that competition will lead to increased activity and improvement, then I say that the same principles and the same arguments apply with equal force to the Colonies, and that, moreover, they will have the greater and more important result of ultimately putting an end to that traffic against which all are united in one common feeling of abhorrence and disgust. Now, my Lords, I am not putting forth any fanciful theory; I am not expressing opinions unsupported by practical men; I am not suggesting a problem that has yet to be solved; but I am affirming that upon which practical men are already acting—which capitalists in this country are prepared to go to the West Indies to put into practice—and with regard to which they feel the utmost confidence of success, based upon minute and accurate calculations of the relative cost of slave-grown and free-grown sugar, and on the fact that free-labour sugar already competes on equal terms with slave-labour sugar in the neutral markets of the world. In proof of this I will read one or two short extracts from the opinions of practical men. The first is from a speech delivered by Mr. Burnett, a most respectable man, possessed of a large amount of property in Trinidad, at a great agricultural meeting held in that island. He said—

> "The removal of these restrictions (those upon freedom of trade and upon obtaining labour) once effected, I shall hail with pleasure the day when

> every monopoly is done away with; and if we are honestly and fairly allowed to trade with all the world without restriction, we fear no competition from any quarter in the colonial market of the mother country; and when that is effected the agriculture of Trinidad will successfully compete with that of every country depending upon slave labour. I firmly believe that the most advantageous mode of proceeding would be to tear up all our treaties for the suppression of the Slave Trade, withdraw our cruisers from the coast of Africa, and allow all who pleased to procure labourers to work in Cuba, the Brazils, and elsewhere, under the influence of the whip, and in the British Colonies from the higher motives of personal benefit."

I will also quote a short extract from the work on Porto Rico by General Flinter—a gentleman with whom I was personally intimate, and upon whose veracity the most entire reliance can be placed:—

> "For about one shilling sterling of daily wages, a free labourer will work in the field from sunrise to sunset in Puerto Rico, and, on a moderate calculation, will perform more work during that time than two slaves. One of the principal advantages which results to the planter from free labour is, that he sinks no capital, as he must dc if he purchases slaves; nor does he incur the loss of it in case his labourers should die, or sustain the expense of curing them during sickness, or of maintaining them in the decrepitude of old age, without taking into account the moral infamy and degradation inseparable from forced labour, where the wretched slave is sold like a piece of merchandise, and whipped like a beast of burden. I have only deemed it necessary to observe in this the exact *quantum* of the staple production of the tropics which has been the result of free labour in one year in Puerto Rico, for it established the fact beyond the possibility of contradiction, that every description of West India produce can be raised by free labour in the Colonies, and that the white and free-coloured population may, by proper discipline and regulation, be brought to work as day labourers. I have tried the experiment on a coffee estate of my own. I have also seen it repeatedly tried on indigo plantations, the most unhealthy as well as laborious class of tropical agriculture, and I have always found that the cultivation both of coffee and indigo was cheaper by employing free labourers than by slaves. I believe there is not a single estate on the island which cultivates sugar only by slaves that can pay one shilling of interest for the capital; the proof of this is, that all the large sugar establishments on the south coast which are worked exclusively by slaves are involved in debts and difficulties; while those on the north coast, where there is a mixture of free labour, unless in particular cases where there has been great mismanagement, are free from debt. It is evident that the slave costs more as a labourer, and works less than the free labourer."

I could multiply this evidence to any extent; but I think I have said enough to prove that the assertion made by the advocates of abolition previous to the emancipation of the West Indian negroes, was correct, that the work of free men is more profitable than that of slaves, and that they can compete with and drive slave labour out of the market. But that must not be done by a system of protection injurious to the mother country—it must not be done by proprietors living in ease, or rather in poverty and anxiety at home; but it must be done by an improved system of agriculture, and by the application of skill, machinery, and capital, of which I know a large amount is prepared to be sent from this country as soon as this question is finally settled, and capitalists know what they really have to deal with; and then I confidently believe that our Colonies will be able to defy the slavetrader by underselling the slaveowners, and to bring about that state of things which all the wealth, the skill, and the energy of the people of England has hitherto been unable to accomplish. But I will go further, and I will say that the present moment is peculiarly favourable for such an experiment—the condition of the two great slavetrading countries will be of the most material assistance to us. The revolt of the slaves two years ago in Cuba has left the greatest feeling of dread and alarm in the minds of the inhabitants; and I am convinced, though their motives are different from ours, yet that the abhorrence of the Slave Trade entertained by the proprietors is hardly inferior to our own. As a proof of this, I will read to your Lordships a memorial from the principal proprietors of Cuba to the Spanish Government. They say—

> "Among us there is already a sufficient number of labourers to cultivate our fields; we do not need, for our rural prosperity, fresh immigrations of Africans, who may compromise us so much; and for the future, we do not see why it should not be as it is in the French Colonies and in the Southern States of the American Union, where the number of slaves has considerably increased by natural reproduction, substituting a population more obedient, more faithful, and more civilized, for that which now inspires us with such serious fears. Moreover, considerable improvements have recently been made in the production of sugar, which spare a great number of hands; but these improvements, besides being a means of economy, require the intelligence of white workmen to make use of them, rather than the corporal strength of the negro, enabling us very well to reserve the latter for field labour, where only it is required. And even supposing, Most Excellent Sir, that our agriculture should decay, the inhabitants of the island of Cuba would resign themselves to suffer this injury in order to preserve social life—their fortunes and existence as a people—at this day seriously threatened."

Then as to Brazil, you must remember that the whites constitute the smallest proportion of the population—not above one-fifth of the population are whites, and the prudent among them are equally alarmed with the people of Cuba. They already see impending over their heads the fate of St. Domingo, and they are greatly alarmed at the annual increase of the slave population. When, then, these are the feelings of the people of Cuba and Brazil—when they say that they have already introduced great improvements into agriculture in order to abolish the Slave Trade, and that they rely upon opportunities of trading with this country for carrying out still further improvements—and when they see from our example what can be done by free labour, can we suppose that they will not imitate that example, when, at the same time, it will be their salvation from the most horrible social catastrophe? But, it may be said, and it was said by my noble and learned Friend, that even supposing all was done, still our demand for slave-labour sugar must in the meantime stimulate the Slave Trade. Now I deny it—and I deny it not on the strength of any " opinion," though, as an opinion, I might quote the unanimous resolution of the Liverpool Anti-Slavery Society; but I deny it with reference to what are of much more importance—with reference to facts. It is a fact that a most remarkable increase in the consumption of sugar has taken place in Europe during the last six or seven years, more particularly within the last five or six years. That great increase has taken place principally in Russia, all along the shores of the Mediterranean, in the States of the Zollverein, and, still more than all, in the United States of America. I am not prepared with the annual increase in all these cases, but I have the details as far as regards the States of the Zollverein. In 1838 there were 40,000 tons of refined sugar imported into the States of the Zollverein; in 1840 the amount was 50,000 tons; and in 1844 it had increased to 64,000 tons. Then, with respect to the United States, I have no accounts on which I can rely with respect to the importation from the Brazils, which I know is very large; but I have the official account of the importation into the United States from Cuba, and I find that from Cuba alone, in 1840, were imported 48,000,000 lbs. of brown sugar, and 15,000 gallons of molasses. In 1844 these importations had increased to 114,000,000 lbs. of sugar, and 194,000,000 gallons of molasses. And in a commercial circular, which I have received, I see it stated that there has been as much imported in the six months of this year as in the whole of the preceding year. Now with this very remarkable increase in the consumption of sugar, what has been the increase in the Slave Trade? I find that the number of slaves landed in the Spanish territory, *i. e.* in the islands of Cuba and Porto Rico, was, in 1839, 11,138; in 1840, 8,238; in 1841, 10,551; in 1842, 3,630; in 1843, 5,627. In 1844, the year in which General O'Donnell shared in and encouraged the Slave Trade, the number increased to 10,000; and in 1845 the number landed was 1,300. Then I find the number landed in the Brazilian territory was as follows: In 1839, 42,182; in 1840, 20,796; in 1841, 13,804; in 1842, 17,435; in 1843, 19,095; in 1844, 18,700; in 1845, 16,000. I say that is a convincing proof that that increased demand has been met by greater economy of labour and by greater skill in the means of producing; and I say then it is no idle vision to look to our increased demand not increasing the Slave Trade, but to hope that the effect of our example, coupled with the political state of things now existing in Cuba and Brazil, may ultimately tend to put an end to the Slave Trade, and secure, as a necessary consequence, the amelioration of the condition of the slave. With such a state of things as this, when there can be no doubt of the purity of our motives, we shall be better able to meet the humiliating charge brought against us by foreign nations that the precepts we enforce are grossly at variance with the practice we adopt. Why, this article of sugar is the single exception to our general rule of practice. Remember, that for our necessaries and luxuries of life, for the employment of our people, for our revenue, for our very position in the world as a nation, we are indebted to the production of slave labour; and the article of sugar is the single exception to our practice, Before your Lordships decide upon this measure, I do hope that you will bear in mind what our practice really is, as exhited in our commercial transactions with all the slave-dealing countries in the world and remember that there is no slaveholding, which is not at the same time a slave-dealing, country. It is quite true that there is no foreign Slave Trade existing in the United States; but is this a measure of prevention?—by this is it really intended to prohibit traffic in human beings? It is no such thing, my Lords. It is a measure of protection—it is a measure to prevent foreign competition in the home market. In the United States the Slave Trade exists in its most hideous form. The slave there is not the comparatively senseless barbarian that is imported from Africa—he is comparatively civilized—he is bred and born on the soil—he has friends, associates, relatives—his intellects are sharpened that his value may be enhanced, and he is permitted to contract ties, to him not the less dear because they are contracted for the profit and may be sacrificed to the interests of his owner. The slave there is not counted as a human being, but as a beast of the field; and as a beast he is put up to auction because he is bred for sale, and his whole life is passed in the anticipation and in the foreknowledge that he is to be sold. I say then, my Lords, that the Slave Trade carried on in the United States, looking at it in all the variety of the circumstances by which it is characterized, is more extensive, more brutal, more deliberate, and more unpardonably heinous than that carried on in Brazil and Cuba. Yet how do we deal with that slavedealing country? Why, I find that our imports of cotton wool have increased from 284,000,000lbs. in 1835, to 600,000,000lbs. in 1845; whilst our import of tobacco has increased from 25,000,000 lbs. in 1835, to 32,000,000 lbs. in 1845. The importation of rice has also increased, as also has that of copper ore from Cuba. And, my Lords, I will make no apology for referring to these figures, because a great national principle is involved in this question. We lay claim to greater virtue and morality than other nations—we are constantly thanking God that we are not as other men are; and I really wish your Lordships to understand what those claims to superior virtue are, and in what manner those principles so proclaimed are in reality acted upon; not in bygone times, but constantly, systematically, down to the latest period. The principle is, that we shall do nothing to extend slavery; but if you reject this Bill, you will pass the bitterest satire on some of your most recent acts of legislation, and will make yourselves ridiculous in the face of the world. It will be said, perhaps, that sugar is now the question, and not cotton. But we are to do nothing to extend the Slave Trade in general, and not the Slave Trade in sugar only. With respect to cotton, it is perfectly true that its introduction is not now for the first time in question; but have we ever dealt with cotton as we have with sugar? Have we ever imposed high differential duties to keep out the cotton of the United States, and to encourage its growth in the East Indies, where it might be grown with equal advantage? We have done no such thing; we have always laid a low duty upon it in order to increase the quantity that we may receive, and only two years ago we made a sacrifice of annual revenue to the amount of 800,000*l.*, in order to admit that selfsame polluted cotton duty free; and that was done with the unanimous approbation of the whole country. Then with regard to tobacco; have we put a differential duty upon tobacco? Have we endeavoured to admit tobacco from the East Indies, from Syria, from Germany, or from numerous other quarters whence we could get it as cheap and as good as the tobacco of the United States? No such thing; but we have actually prohibited its growth at home; we do not allow a single field to be cultivated with it, in order that we may impose a duty of 1,200 per cent upon the slave-grown tobacco of the United States. It is the same with respect to tar, to rice, to turpentine, to staves, and to other things the produce of the slave labour of the United States. And then with respect to maize—the Indian corn which we this year resolved to admit duty free, and which we hope that the Irish people may be prevailed upon to adopt in preference to the lower kind of food upon which they have hitherto been accustomed to depend; I have taken some pains to inquire whence we shall derive that maize, and I find that the States from which the most of it will come are slaveholding and slavedealing States; and yet I am sure no objection was made to the introduction of that measure. My noble and learned Friend the other evening took a distinction between sugar and other produce of slave labour, on account of its cruel and laborious cultivation. But my noble and learned Friend will find that there are many other articles the cultivation of which is quite as cruel and laborious. Tobacco is not much less laborious—its cultivation consists of hoeing and planting. Arrow-root is quite as laborious as sugar; indigo is more so; and rice is more destructive to health. But my noble and learned Friend appeared to forget that the cultivation of sugar is just the same in free-labour countries as in slave-labour countries—only in one it is enforced by coercion, and in the other it is for wages; but does my noble and learned Friend suppose that slaves work voluntarily in the cotton and coffee and rice grounds—that there is not there just the same force employed, just the same fears excited, just the same cruelty used, as in the cane fields; so that, if my noble and learned Friend's argument is worth anything, it would go to prohibit all sugar, on account of the way in which it is produced, and all slave-labour produce, on acconnt of the way in which it is enforced. A few days ago I saw a highly respectable gentleman, the possessor of an extensive plantation in the West Indies, and I spoke to him upon this subject. He said that the work was laborious, but that it was not more so than many descriptions of field work in this country—it was certainly not more so than hedging and ditching. He added that the people in St. Vincent's worked by the task, and that the task was a day's work. The good labourer, who was anxious to accumulate money, easily finished his task by twelve o'clock in the day; and it was their constant practice to do two days' work in one. I think, therefore, there is nothing very formidable in the labour. I come now to the productions of Cuba and Brazil. The first I will mention is that which is by far the most cruel and the most severe—the production of diamonds by slaves in Brazil. The slaves are chained together for fear of escape; they are subjected to every species of torture in order to ascertain that they conceal nothing; and yet I have never heard any proposition to exclude diamonds from this country; but, my Lords, you must do this if you intend to act upon a system. My noble and learned Friend said he had never heard of the importation of copper ore. The subject was certainly debated in the House of Commons: it was found that we wanted that copper ore; it was discovered that we did not produce it in sufficient quantity ourselves—native industry made no objection, and it was admitted without the smallest difficulty as to its origin. Its importation was permitted three years ago, since which period we have received between 50,000 and 60,000 cwts., without the slightest misgiving. Now I come to coffee, the produce of these slavedealing countries; and in nothing is our inconsistency more signally marked than with respect to coffee. We take 30,000,000 lbs. of coffee, produced by slaves, without the smallest reluctance; yet we will not consent to receive one ounce of sugar produced by the same slaves, obtained in the same way, from the same countries. And with reference to this very coffee, we have gone on gradually reducing the duty. Two years ago we reduced it 25 per cent, since which there has been a gradual increase in the consumption. I think we did very right. I know it has produced a most beneficial effect. It has enabled the people to obtain a greater quantity of a wholesome beverage at a reduced cost, and has contributed to their morals and their comforts; but I ask, upon what grounds of common sense, having reduced the duty on coffee in 1844, with so much advantage, can we refuse the application of a similar policy to sugar in 1846? Are we not unanswerably charged with hypocrisy, if, when we come to the article of sugar, it is found that in this polluted commodity we are about the greatest dealers in the world? Our exports to Cuba amount to one million sterling, and to Brazil two millions and a half. We send our manufactures there in payment to the slavedealers and slaveowners for their produce; we purchase the slave-labour sugar so manufactured and obtained. In fact, it constitutes the principal medium of exchange with which we go into the markets of Europe to buy our flax, hemp, and tallow. In this carrying trade between the slavetrading countries and Europe, we annually employ 100,000 tons of British shipping. There are annually in our warehouses from 800,000 to 100,000 cwts. of slave-labour sugar; in bond we permit its manufacture; and this slave-grown sugar, so refined in this country, is exported to our own Colonies. Our Australian and American Colonies are mainly dependent upon slave-grown sugar which we thus buy, sell, exchange, and manufacture, as best suits our own interest; and then lay claim to great virtue and morality because we restrict a particular portion of Her Majesty's subjects residing in England and Ireland from eating it. And, my Lords, we do not even prohibit this polluted article from our Statute-book, for it is admissible, and it is admitted — whenever the price of colonial sugar has risen sufficiently—in 1840 we admitted 2,000 cwts.; so that at all times we may wipe away the pollution by payment of a differential duty; and, like the plenary indulgences of Rome, our own law settles the sum of money we shall pay for our sins. We do more: we take it from a slave-trading country upon the most favourable terms — Louisiana; because our treaties compel us to do so. We could, however, put an end to those treaties; but we abstain from that course because it would interfere with our commercial relations. We admit the American construction of their Treaty with us; but we put a discreditable interpretation upon our Treaty with Spain; because her trading relations with us are of less importance; while with regard both to Spain and Brazil, our laws, levelled as they directly are at their system and institutions, make it positively a point of national honour with those countries not to consent to the reform we require; just as we should resist any attempt to introduce reforms into our factories and mines which were made the condition by foreign Powers of their taking our manufactures. I think I have shown that our virtue and our morality in restricting the use of a particular article, because it comes from Cuba and Brazil, is inconsistent with our practice, and that this is the only exception to our general rule. Say what you will, my Lords, proclaim this virtue and morality wherever you will, I defy you, in the face of the facts I have stated, to make any one individual of ordinary comprehension to believe that protection is not at the bottom of all this clamour about slave-grown sugar. The cry never would have been raised if we had not ourselves been producers of the article; and, like every other protected interest, afraid of competition. We make no exception either when we take sugar the produce of free labour, because it already meets and competes with slave-grown sugar in neutral markets; and whatever portion of it we withdraw from those markets must have its place supplied by an equal amount of slave-grown sugar. I need only quote a passage from the speech of the right hon. Baronet late at the head of Her Majesty's Government, to prove this, and to convince you of the total failure of his plan last year, from which he anticipated a large amount of free-labour sugar, and a large revenue. The right hon. Gentleman says—

> "The amount of free-labour sugar brought into competition with British colonial sugar has not at all equalled my expectations. I calculated the amount of free-labour sugar, if I recollect rightly, at 250,000 tons; but the amount actually brought in for home consumption has fallen far short of that. I believe the defalcation may be accounted for chiefly by the failure of the crop in Cuba, and by the consequent increased price of sugar on the continent of Europe, and the diversion thither of supplies which would have been brought to this country from other parts of the world in which there is free labour. I believe it can be shown, when this subject is further discussed, that this will account in a great measure for the diminished supply."

This restricts still further the circle of our virtue and morality, because every hundred-weight of free-labour sugar we consume, must be replaced by an equal amount of slave-labour sugar. It is, then, upon this remaining fraction of the exception—it is upon this infinitesimally small and narrow edge of a principle, that all our virtue and morality now stand. If this Bill proposes no more than to do away with this exception, it will be a public benefit, because the exception is contrary to our own rule, and unjust in our relations with foreign States, and because it will increase our revenue, and tend to give to the people a more plentiful supply of an article which has now become one of the first necessaries of life. The noble Lord concluded by saying, that for these reasons he should ask their Lordships to consent to the first reading of the Bill.

Lord STANLEY: Though I am sure, my Lords, it is unnecessary that I should say to the noble Earl who has just sat down that any assertion from his own knowledge which falls from him requires no corroboration or confirmation from me, at the same time I hold it to be my duty to commence the observations which I have to offer to your Lordships by confirming, to the fullest extent, the statement with which the noble Lord commenced his observations; that however unusual may have been the course which he has adopted in introducing a discussion of the question on the first reading of the Bill, there is nothing in that course with which on this side of the House we have the smallest reason to complain; on the contrary, the course was adopted with the consent of your Lordships; and I am bound also to say, in some degree for the purpose of meeting the convenience of my noble Friends on this side of the House. Indeed, whatever course my noble Friends might have pursued, entertaining the views I do on this question, I should have felt it my duty to have availed myself of this earliest opportunity which the rules of your Lordships' House present of entering my protest against this extraordinary change in our legislation, and of stating the deep and insuperable objections which I entertain—first to the details, next to the principles upon which the Bill is founded; and, above all, to the circumstances under which, and to the period of the Session at which, it has been thought right by Her Majesty's Ministers to introduce this Bill. I concur also with my noble Friend who has just sat down, that it is desirable for the interests of those concerned in the production and trade of sugar, that the trade should be placed on a definite and permanent footing; and if I were a Member of the other House of Parliament, to which such questions properly belong, I certainly should not regard with any feeling of jealousy the abstraction of a certain portion of the national income from the annual control of the House of Commons, as proposed by the Bill, because I think that at the present time, and under present circumstances, the fear of pecuniary responsibility on the part of any Minister of the Crown is visionary; that, in point of fact, so long as you have the Annual Mutiny Act, the Annual Appropriation Act—as long as you have all the Estimates separately voted in Committee of Supply; and while it is impossible to issue from the Exchequer, without the direct consent of Parliament, any portion of the public revenue, it would be absurd to suppose that the exemption of this portion of the revenue from an annual vote, would be attended with danger—it becomes, in fact, a matter of insignificance what is the continuity or permanence of the streams in which the national revenue pours into the Exchequer. Therefore, as to constitutional jealousy, I feel little or no objection to this measure; and I certainly admit that for the purpose of trade it is desirable, and most important, that persons should not be left to form speculations, which might extend over a considerable period of time, with the uncertainty of the course which from year to year, or from six months to six months, it might be the pleasure of the House of Commons to take with regard to the productions of industry to be introduced into this country. But having stated so much, my Lords, there ends my concurrence with the noble Earl. I do not think there is a single principle in his speech, I do not think there is a single doctrine he has laid down, independently of those two grounds, that is not open to great controversy, and to serious objections. We are told, my Lords, it is necessary to bring forward this measure, because it is commanded by principle. I think my noble Friend went so far as to call on us to pass this measure for the purpose of vindicating our consistency. A more extraordinary proposition than this I have never heard. These are days of rapid changes of opinion; this House of Commons deserves, if ever a House of Commons deserved it, to go down to posterity as the "Rapid Conversions Parliament." But to appeal to principles of consistency for the purpose of now, in the year 1846, with a Parliament elected in 1841, declaring that for the future you will place no distinction between foreign and colonial produce—between the produce of your own Colonies raised by free labour, and the produce of foreign countries raised by slave labour; to make such an appeal as this on the principle of consistency, really appears to me a proposition requiring some powers of face in the noble Earl gravely to lay before your Lordships. I say it is important that this question should be placed on a permanent foundation; but the more important it is that the system should be permanently established, the greater is the necessity that it should be settled in such a manner as to leave no doubt that it has received the calm, deliberate, and well-considered determination and judgment of both Houses of Parliament; and that no extraneous and fortuitous circumstances have influenced the introduction of the measure. But is there nothing fortuitous in the arrangement and state of parties, and in the period of the Session, that have influenced the noble Lord at the head of the Government in proposing this measure? My Lords, I say that you have no reason to suppose that this measure is the issue of such calm and deliberate consideration. It was necessary to the due deliberation of this measure, that due notice of the change should have been given to all concerned in the production of and the trade in sugar. To establish a permanent system, you ought to have given the country time to pronounce its opinion upon the change. Will you venture to say that this measure has been brought forward with such full consideration; that due warning has been given of the change; that it has been fully discussed; and that the country has pronounced its decision upon it? Will you venture to say that the position of parties has had no influence on the possible success of this measure, and that the period of the Session, and the state of this House at this moment I am addressing your

Lordships, have no effect on what the decision of Parliament will be? Allow me to remind your Lordships that the expectations you held out to your countrymen in 1841 were, that protection would be maintained. The noble Lords opposite introduced commercial measures far more protective than the present one; measures recognising protection as a principle, and, above all, recognising the distinction between slave and free-labour produce, which has this evening been treated so contumeliously, and so sneered at by the noble Earl. But upon those measures, in 1841, that Government was thrown out of office; upon that question they were defeated in the House of Commons; upon that question they went to the country; and upon that question the new Parliament declared in favour of the policy of the old one: that very House of Commons pronounced in favour of the principle of protection, and against the encouragement of the Slave Trade; pronounced in favour of protection to colonial industry, and the introduction of free-grown sugar. Is that all? In 1844, the right hon. Baronet lately at the head of the Government introduced a measure admitting free-grown sugar into this country, in which he drew a broad distinction between that and slave sugar. It was emphatically stated by the Government of 1844, that that was the principle upon which it intended to proceed. They gave notice to the East Indies, to the West Indies, to foreign countries employing free labour, that this was the principle upon which they might rely, that their produce would be admitted into British markets, and upon this they might safely invest their capital, as upon the faith of an Act of the British Parliament. But is that all, my Lords? In the commencement of the present Session of Parliament, the then Prime Minister declared his intention of adhering to the principle of excluding slave-grown sugar. He declared an intention of slightly modifying the differential duties on foreign and colonial sugar; but he emphatically stated that he would abide by the principle of his measure of 1844. The period of the expiration of the Sugar Duties approached, and it was necessary to ask for a temporary or continuing Bill, because it was impossible then to raise the question of the whole duties. Was any intimation held out then that an entire change of system was meditated?—that there was no longer to be that abhorrence of slavery which the noble Lord opposite, in common with the slave-dealers of Cuba, feels so strongly—that there was to be no distinction any longer drawn between free and slave-grown sugar? Not so; but at the close of the month of June, a continuance of the present duties was asked for a single month. A change of Government took place—and another continuance for a period of one month from the 5th of August to the 5th of September; and it was not until after the period of the annual expiration of the Sugar Duties—it was not until after the period at which, according to the ordinary course of things, those duties would have been renewed, that for the first time the people of England, for the first time the planters in the West Indies, for the first time your countrymen in the East Indies, and for the first time your new free-trade customers throughout the world, are told that the sugars which they had been authorized and encouraged to produce and import under the sanction of an Act of Parliament, declared to be a permanent system, were to be subjected to competition, against which this very same Parliament had actually guaranteed them. At the close of July, after a change of Administration, all political parties being in confusion, a new Government succeeds, and, without a moment's hesitation, without a moment's delay, presses forward a Bill which is now, in the course of a fortnight, at the close of July and the commencement of August, passed through the House of Commons and submitted to your Lordships—I will not use the mockery of saying, for the deliberation, but—for the decision of your Lordships' House. But I submit to your decision whether you will suddenly, without warning, for the purpose of introducing your new permanent system, abolish altogether the system which two years ago, aye, within two months, you declared your determination and intention to make permanent. Can such a system, so introduced—so carried, if it be carried—supported under such circumstances, and supported, moreover, in the other House of Parliament by the most extraordinary arguments that ever were used—supported by a large portion of the preceding Government, not upon the ground that it was the plan which they would have adopted, but that it was a total alteration of that plan—but because it was the plan proposed by the Government, therefore no risk was to be run—therefore all opinions were to be sacrificed—therefore those who maintained their own opinions upon the former plan—upon the impolicy, upon the injustice, upon the inhumanity of this plan, were to sacrifice those opinions, and against their own conviction, and against their own judgment, were to take an active part in undoing their own work, and introducing a total change in the policy affecting these great interests. Do you believe that this system, so introduced, can be permanent? Does it carry with it any of those marks of cool deliberation and judgment which entitle it to be considered permanent? Has it the support of the country? Has it, or ought it to have, the deliberate judgment of Parliament in favour of this sudden and rapid change? Then I am told, forsooth, that these are the principles of free trade; that free trade is now all in all; we must have cheap sugar; sugar is a necessary of life; the consumption of sugar in this country is not as large as it might be. Throw all other considerations to the winds—cheap sugar you must have—free trade demands it—free trade is cried for —free trade is irrevocable—I beg the noble Lord's pardon, I dissent from that proposition; but being irrevocable, upon the principle of consistency, cheap sugar you must have—slavery and the Slave Trade being as nothing in the balance. In the first place, my Lords, I am not prepared, for the sake of the mere name of free-trade, to give my assent at once to any proposition the Government may make, because it comes under that appellation. But my noble Friend will forgive me for saying that any measure less like one of free trade than that under our consideration, it has never been my fortune to see. Although we have been told that by this measure we shall be giving the people a large and cheap supply of sugar—that we shall be giving a great impulse to consumption, and that we shall, at the same time, be stimulating the efforts of our colonial and foreign free-labour producers, so as to enable them to compete successfully with those countries that depend upon slave labour alone for the production of the article, my noble Friend, in his speech to-night, dwelt upon the exorbitant import duties which had existed, and the evils consequent upon them. Unfortunately, however, for his own arguments, he will find that the duties upon the lower description of articles—upon those articles which enter most largely into the consumption of the poorer classes, remain as high as those duties that are imposed upon the superior class of articles. The amount of the duty is considerably higher than 100 per cent on the inferior article of tea. The inferior description of tea is charged with a duty which, if taken as an *ad valorem* duty, would amount to at least 100 per cent upon the prime cost of the article—indeed, I believe it would reach the enormous amount of 200 per cent. The whole effect of the change, I believe, is, that the duty charged upon tea is as high as before, but that in altering the duty from an *ad valorem* to a fixed duty, you relieved the higher class of consumers, while you subjected the inferior qualities, consumed by the poorer classes, to a duty which was higher than that exacted under the former system. I am not now going to argue in favour of high import duties generally, for I admit that so far as you can reduce the import duties, with due regard to the revenue of the country, the more you will increase the consumption of the articles affected by such reduction. My noble Friend proposes this as a free-trade measure: he will forgive me for reminding him that it was also said that the duties upon corn were exorbitant—that they were unreasonable, and could not be endured. And what were these duties? They amounted on an average, to something less than 25 per cent; and when the free-trade measure of my noble Friend opposite comes into full operation, the duty upon sugar, this necessary of life, this article which the principles of free trade call on you to provide as cheaply as possible for the people, will amount to 14*s*. the cwt. upon an article which in our colonial market would be worth 30*s*., being a duty of 50 per cent *ad valorem*, while upon the foreign article the duty amounted to 75 per cent *ad valorem*. The Government, however, now say that we must reduce the price of sugar upon what are called free-trade principles, as it is highly important to give cheap sugar to the people. Now, my Lords, if you do intend to act upon free-trade principles, you will be required to reduce the duty upon free-trade sugar. I do not recommend you you to do so; but in point of consistency your free-trade advocates will call upon you to do so. [" No, no! " *from the Ministerial Bench.*] " No," do you say? Why, I ask you, is it free trade to strike off duties from one description of article, because it amounted to 15 and 20 per cent, and at the same time to leave a duty upon another description of article—and that a necessary of life — that is 50 or 75 per cent? These are not the arguments we heard a month ago. By acting rigidly on the principle, you will introduce inextricable confusion into your finances, and irretrievable distress in the country; but all the principles of free trade revolt at the idea of imposing upon an article which is a necessary of life a duty of from 50 to 75 per cent. But it is said that this is a monopoly. Corn was a monopoly, and sugar is a monopoly; and, therefore, you are resolved not to allow your Colonies any longer to possess such a monopoly: you will subject them to competition, and stimulate their energies, and by doing so enable them to compete with the produce of slave labour; you will do away with that protection and those restrictions which, in point of fact, were guaranteed when the measure of emancipation passed. You argue as if under the system of protection there were not between landowners the keenest competition, and the greatest anxiety to get the best prices. But what is this monopoly? If it is a monopoly, it is a monopoly in which nineteen West Indian Colonies compete with each other, and every producer with his fellow-producer—in which the Mauritius competes with the East and West Indies, the East Indies with the West Indies and the Mauritius—in which every country which grows by free labour competes with all the rest. Two countries alone are excluded from this competition, and they are excluded because they make use of a machinery which gives them an undue advantage in production, and the use of which is stigmatized by every free nation in the world as an abuse, a pollution, and a crime. And it is that free competition with all the rest of the world which you are pleased to designate the sugar monopoly. These two nations are alone excepted. Talk to me of the influence of competition! You may as well talk of cutting off a man's leg, and asking him to run a race with one who is strong and perfect in all his proportions. You may as well say that the exertion he must make will stimulate his energies, and so place him upon an equal footing with his adversary; and that free competition will enable him to run as fast with one leg as the other with two. In the present condition of the West Indies and of the East Indies, competition with slave-grown sugar is a competition which cannot be carried on upon equal terms. I don't contend that in a fully peopled country, where the demand for employment is equal to the demand for labour, the willing energetic action of free labour is not infinitely more valuable and cheaper in the end than the labour of slaves. But this I do contend, that where you have not the command of that labour, where there is a boundless extent of country, where you have not the means of bringing labour to bear on the point where it is required, to talk of a fair competition between free labour and slave labour would be a mockery; but it would be more, it would be a cruel mockery to talk of it to those whom you have placed in their present position by your legislation, and whom you now call upon to enter upon an unequal competition. My Lords, I object to this Bill coming up to us at this late period of the Session. I object to the principle of the Bill, on the ground of policy. I object to it on the ground of expediency. I object to on the ground of justice and humanity; and if it had not been for what my noble Friend has said, I would also object to the principle of this Bill on the ground of consistency also. I will take the lowest ground first—that of expediency; and I will say there never was a time—even admitting that a farthing or a halfpenny reduction in the price of the pound of sugar was an important consideration that should outweigh all other considerations with us—I say, then, that there never was a period at which such a measure was so uncalled for, and at which it was so unwise to introduce it, as this moment. Why, about two or three months ago, the price of sugar was lower and the supply larger than at any period since the emancipation of the slaves. If in 1840 the Government of that day had proposed to introduce such an alteration in the Sugar Duties, on the ground of the inordinate price of the article, some excuse might have been offered by them for such a step; but in 1840 the Government steadily resisted the introduction of slave-grown sugar into this country. In 1840 Her Majesty's Government had not this new light which has since broken in upon them. In 1840 the Government even said that the mere question of price should never be set up in opposition to the principle of justice and humanity. In 1840 the price of sugar was 48*s.* 8*d.* per cwt. exclusive of duty. In 1841 it fell to 38*s.* In 1842, to 36*s.* 11*d.*; in 1843, to 33*s.* 9*d.*; in 1844, to 33*s.* 8*d.*; and in 1845 it fell to 32*s.* 11*d.* Now, under your system of protection, be it right or be it wrong, when you excluded all foreign slave-grown sugar, you had this result—that, with your own Colonies, and from free-growing States, you had a fall of prices, from 1840 to 1845, of no less than from 48*s.* 7*d.* to 32*s.* 11*d.*, and an increase of supply from 160,000 tons, to a supply from your own Colonies, without foreign countries, of 245,000 tons in 1845. Under your present system, then, by proper encouragement, there has been a rapid advance in the cultivation of sugar, and a rapid fall in the price. That advance enabled you to meet, during the last year, an extraordinary demand that was created by the late reduction in the duty. The consumption of the article rose from 200,000 to 242,000 tons; but your supply from your own Colonies increased to 245,000 tons to meet your increased demand at a lower price. My noble Friend went further in his calculations upon this subject than I have ever heard of before. In the boldness of his calculations I have never heard him equalled by any Minister before in this or the other House of Parliament; for he did not confine his calculations of the amount of sugar which is likely to enter into the market to this year or even to the next, but he actually gave us an idea, in tons and cwts., of the actual amount of sugar we shall be receiving five years hence, notwithstanding the contingencies the crop is liable to from variations in the weather and from various other causes. In the next year he calculates an increase of 29,000 tons, in the following year 290,000, in the year after that again 318,000, and so on. If that be the case independent of this Bill—for I suppose he can hardly calculate what the produce from the East and West Indies will be in consequence of this measure—we cannot avoid coming to this conclusion, that, taking the law as it at present stands, we shall have an amount considerably greater than the present supply, and consequently with such an increased amount prices must necessarily fall. From the best calculations that I have seen, I will take the quantity in the present year to be 120,000 tons from the West Indies, 80,000 tons from the East Indies, and 46,000 tons from the Mauritius—now be it recollected that Mr. Huskisson had once said that he would eat up, bodily, the whole of the Mauritius if they ever produced more than 10,000 tons. The lowest calculation that can be made is, that exclusive of 25,000 tons of foreign free-labour sugar, and exclusive of about 40,000 tons now in bond in this country, you will have from 270,000 to 280,000 tons of sugar, the produce of this year, which will, no doubt, be largely increased in the next year. I ask then, upon what grounds does my noble Friend propose to draw, from extraneous sources, a supply which he conceives will be required to meet the probable future demands of this country? He says that the consumption is very much under what it ought to be. I do not know exactly what it ought to be; but this I know, that it is double or threefold beyond that of any other country in Europe. No country consumes such a quantity per head as this country, in respect to which we are told we must take precautions against the sugar famine that prevails, which precautions are nothing more or less than the sacrifice of those hitherto permanent principles by which we have been actuated. I do not deny but that if you effect a diminution in the price, you will, to a certain degree, also effect an increase in the demand of the article, and an increase in the consumption of the people. The question, however, is this, whether the price you are about to pay for these advantages is not greater than you can afford, and whether it will not, ultimately, lead to more injurious consequences than the reduction in the price can on the other hand effect good? I recollect that in 1841, my noble Friend now at the head of Her Majesty's Government, stated that if the people of this country could obtain sugar at the rate of 59*s.* or 60*s.* the cwt., it would be a great benefit. The price now is 47*s.*, including the duty, and there is every prospect of an increased supply. I ask, then—I ask your Lordships—what has caused this increase in the supply? I ask what has produced this fall in the price? It is not because you have given the stimulus of competition, but rather because you have given the stimulus of protection. These results are caused by the certainty of a good market; because the producers in our Colonies and in the East Indies know very well that they would meet with in this country the best market in the world for their produce, no matter what it should amount to. There is a most remarkable instance in the effect produced in the price of foreign sugar——this refers more particularly to the East Indies. The East Indians themselves are large consumers of sugar, so that if there be but a very small difference in the price, it is a matter of consideration with them whether they will ship their produce for the British market, or retain it for consumption in the country. In 1840 the price was 48*s.* 7*d.* here—the amount of East Indian sugar that year introduced into this country was 24,000 tons. In the following year, stimulated by that high price, the amount from the East Indies was 61,900 tons. The price then fell, and in the following year, the supply from that quarter was diminished to the amount of 47,000 tons. The supply from the East Indies had since then increased to 66,900 tons, and in the course of last year to 80,000 tons. Take the Mauritius, the production in 1841 and 1843, was 23,000 tons; in 1845, 35,000 tons, and in this year from 46,000 to 51,000 tons; in the next year it is anticipated that the amount will be 60,000 tons; and this increase is effected by an improved system of cultivation and a greater supply of labour by the importation of labourers from the East Indies. They have involved themselves, under your promises and securities, under obligations which further compel them, at the end of five years, to return those labourers at a heavy expense to India. They have increased their cultivation. They have met your wants; and, when they have met your wants, they then are to be told that the Colonies are to be put upon the same footing with the slave-labour countries of Cuba and Brazil. Now then, as respects the West Indies, I deny the assertion of my noble Friend opposite, namely, that there has been no improvement in the cultivation of the land there; on the contrary, I believe that within the last few years a great improvement has been really effected there. They have imported much valuable machinery, which has saved a great deal of manual labour. This has all been done upon the faith and promises, or at all events the expectations, which you have held out to them, and which expectations you are now about to falsify. You are about to deprive them of the advantages which you have hitherto given them, and to transfer them to the slave labour of Cuba and Brazil. I now come to the last part of the question—not the question of protection to your Colonies, but to this, whether the measure itself, if carried, will or will not give an encouragement, not to slavery, but to the accursed Slave Trade? When my noble Friend spoke of the measure having a tendency to increase the demand for sugar, I ask will not that tendency to increase the demand, in the same proportion tend to stimulate the Slave Trade? If the demand be increased by a reduction in the price, will you not require a much larger supply of that article, which is mainly raised by slave labour, to maintain which exclusively the Slave Trade is carried on? Will this not have the effect of raising the value of the slave, and increase the stimulus to escape the vigilance of our cruisers? Now, let me reason with your Lordships. You calculate upon an increase of 20,000 or 25,000 tons, and you say the price will be 25*l.* a ton. In process of time, in a few years, you propose to equalize the price of East and West Indian sugar—the one is 32*s.* the cwt., the other 20*s.* a cwt. I take it that Cuba sugar will under these circumstances be advanced 5*s.* the cwt., or 5*l.* per ton. You are now then about to create a new demand for 25,000 tons of sugar from Cuba and Brazil, with an increase in the price to the amount of 25*l.* a ton, making an annual payment, over and above that now made upon the actual increase, to the resources of wealth in Cuba and Brazil to the amount of 735,000*l.* a year. And yet with this fact before your eyes you gravely tell me that this measure will be no stimulus to slavery and the Slave Trade. Remember that you are going to add 5*l.* a ton to the net profits of the slave proprietors and the slave importers of Cuba and the Brazils; and as every slave employed in the sugar estates can raise from two to three tons in the year, you are increasing the net value of every slave engaged in the cultivation of sugar by an amount of from 10*l.* to 15*l.* a year. But is that all? No, it is not all; it is very far from being all. You are not only about to increase the demand to the extent of 25,000 tons a year, and to add 5*l.* a ton to the value of sugar, but you are also about to increase the demand in this country by reducing the price; and you must take into calculation the amount of the falling off in the supply from your own Colonies, to which your measure will necessarily lead: for I presume no man will pretend to affirm that, with a reduction to the amount of 5*l.* a ton in the present price of sugar, the cultivation of the West India estates can be permanently carried on to the same extent as at the present time? Do you believe that the West India proprietors are in such a state of affluence as that they can sacrifice 5*l.* per ton on the present value of the produce of their estates? They may go on for a while, because they will not lose the produce of the cane now in the ground, and because they can come with it to this market, which will still continue to be the best market in the world, and a trifling advance on the prices elsewhere would compel them to sell here, whatever might be the loss; but do you believe that they will in future years cultivate their properties to the same extent as at present? And if they do not—and if the same result be produced in the East Indies—if that enormous fertile region, which is capable, if encouraged, of supplying an incalculable and illimitable amount of sugar, ond from which it is of the utmost importance that you should have some bulky commodity to pay the charge of freightage from that country to this; if you deprive that country of the inducement which it now has for sending sugar here, and the West Indies also produce a less quantity, the diminution in the supply there, as well as the increased demand in this country, will have to be made up by an increased amount of produce from Cuba and the Brazils. And is that increased amount of produce to be obtained from the labour of the slaves now employed in those countries? No, my Lords, if there be one thing clearer than another to my mind, it is this—that although with the greater stimulus of higher wages, and by greater encouragement, you may induce the free labourer to increase his exertions, there is no such motive to act on the mind of the slave labourer—from him, all that the power of coercion, all that the power of the lash can extract, has been extracted already. The temptation of greater gain may, indeed, stimulate the planters to require from the slaves yet more exertions, and to resort to yet greater cruelty than heretofore; but the more probable consequence of your measure is, that your increased demand must be met by an increased importation of slaves; so that those 25,000 additional tons of sugar on which you calculate—although I estimate the increase at from 40,000 to 50,000 tons—those 25,000 tons can only be provided by an importation of 10,000 additional slaves from the coast of Africa. Now, my Lords, are you prepared, with your eyes open, and knowing the consequences—are you prepared for the purpose of reducing temporarily and immediately, by something like a fraction of a halfpenny in the pound, the price of sugar in this country—are you prepared to incur the moral guilt—are you prepared to incur the responsibility—are you prepared to involve yourselves in all the consequences of a certain importation of 10,000 additional slaves from Africa into Cuba and the Brazils? And do not forget that the 10,000 or the 20,000 additional slaves imported into Cuba and the Brazils, are but a very small measure of the horrors—are but a very small measure of the sufferings and the loss of life which that importation must produce on the coast of Africa, in the endeavour to procure those slaves. I agree with my noble Friend that your present exertions on the coast of Africa, great and meritorious as they have been, have been accompanied with a great loss of treasure, and a frightful sacrifice of life—that they have been accompanied by an aggravation of the horrors of the Slave Trade, which almost makes one hesitate in deciding whether our philanthropy has not been grievously misdirected. Well, then, will Her Majesty's Government speak out upon this question? My Lords, my noble Friend did touch upon this question, but he touched upon it in language somewhat ambiguous. I am well aware of the suffering and the loss of life in our own cruisers, which have been the result of your efforts on the coast of Africa; and I cannot forget the gallant men who perished there in an unfortunate and inglorious expedition. Look back to the case of the *Eclair;* look back to the many brave men who went out to that coast in the prime of life and in the vigour of health, but who returned with constitutions broken, and health sacrificed, for the sake of carrying out your benevolent intentions on behalf of the unhappy negro. Nor is even this all. I read not long since a well-authenticated statement of one effect of the vigilance of your cruisers, which perhaps you would hardly anticipate. It appears that a number of slaves had been brought down to the coast for the purpose of being shipped; but our cruisers were too vigilant, and the slavers could not receive them. What was the consequence? They were all massacred on the shore by those who had brought them down. This and similar horrors have been the result of your attempt to maintain this system: but they are horrors which ultimate success might, and I think will, render justifiable; they are sacrifices, great as they are, not unduly incurred, for the sake of objects still greater. My Lords, that you should with one hand, at this expense of blood and treasure, aggravate the atrocities of the Slave Trade, sacrifice many valuable lives, keep your cruisers on the African coast, and bind foreign countries by treaties to imitate your example; and that you should, with the other hand, afford a stimulus to the avarice and the cupidity of the slavetrader, which is to defeat and stultify all the measures you have thus adopted—that is a course which I think would be justly characterized by the term of the extremest folly, if it would not lay us open to a term which my noble Friend seems to think we are now open to — that of systematic hypocrisy. My Lords, I must say that if we were to choose between the exclusion of slave-grown sugar from this country as a moral restriction on the Slave Trade, on the one hand, and the presence of our cruisers on the coast of Africa in the attempt by external means to suppress it, on the other; if we were obliged to sacrifice one or other of those measures of precaution against the progress of the Slave Trade—I must say, in the name of humanity and of sound policy, that I would prefer the alternative of withdrawing our cruisers. It appears to me that to keep up your cruisers on the coast of Africa, and to insist on a compliance on the part of other countries with your efforts to abolish the Slave Trade, and then to hold out a premium to the slavetraders — it appears to me that that would be undoing with one hand what you were doing with the other. And will you, my Lords, who have given 20,000,000*l.* for the emancipation of the negroes in your own Colonies—you who have made so many efforts and have even sanctioned so many atrocities for the suppression of the Slave Trade—will you make yourselves the laughing-stock of Europe, the butt for the ridicule of every people on the face of the earth, the object of the contempt of the world—will you be guilty of the gross and most absurd hypocrisy of undoing your own work for the sake of reducing by one halfpenny in the pound the price of sugar, and for the sake of some slight and temporary augmentation of your revenue? Will you say to foreign nations — "We condemned the Slave Trade; we paid for its abolition; we condemn it still; but we cannot let it interfere with our desire to get cheaper sugar." There is no sacrifice, says my noble Friend, that I would not incur to put down the Slave Trade. Why, the only sacrifice he is called on to make is this halfpenny a pound in the price of sugar; but a halfpenny is too high a price, it seems, for the morality of my noble Friend. What reasons has my noble Friend for believing that our measures of precaution will not be successful? He says that we shall fail as Napoleon failed in his attempt to keep foreign corn out of this country. But I believe it is perfectly well known that Napoleon was not anxious to keep from us the corn which we imported, and that if he had not connived, not a single grain could have entered the ports of England; but it does not follow that we are to connive at the exportation of negroes from Africa. My noble Friend referred to the reports of Commissioners; but I will ask him if he has read the report last year from Her Majesty's Commissioner at the Havannah? It appears from that report, that, in the opinion of that Commissioner the slavetraders would have broken through your cruisers if there had been a sufficient temptation for their doing so; and that that which had put a stop to the Slave Trade was the low price of sugar, in consequence of its exclusion from the British market—that low price of sugar having rendered the Slave Trade comparatively unprofitable. Yet this, which your own Commissioner told you was the only restraint upon the increase of the Slave Trade, you are about by deliberate legislation to remove; and you are told, too, by my noble Friend, that the course you are about to take cannot have a tendency to increase the Slave Trade. But let us know what the Government are about to do; let us know whether or not they mean to withdraw our cruisers from the coast of Africa. I presume that if they follow out their own principles, they will put an end to our present wasteful expenditure on that coast. My noble Friend went on to say that we are not consistent in the course we are now pursuing, inasmuch as while we exclude slave-grown sugar from our markets, we admit other slave-grown articles, such as cotton, tobacco, maize, and coffee. But it should be remembered that the labour of slaves only is not required for the production of these latter articles; whereas, in Cuba and the Brazils, slave labour only is employed in the cultivation of sugar. I may also observe that with regard to maize, the slave States are those which do not produce a sufficient supply of maize for their own consumption, and they all, almost without exception, import from the free

States large quantities of maize for feeding their negroes, who are almost exclusively employed in the production of sugar and of cotton. My noble Friend talks of the internal Slave Trade in America. But will he tell me where that Slave Trade is carried on? Is it not principally carried on from the cotton and coffee-producing States to the sugar-producing States; for the slaves increase in number in the cotton, tobacco, and maize-producing States, and the expenditure of human life takes place in the sugar-growing States, where the slaves decrease. I confess I am not prepared to say, that because you refuse to encourage the Slave Trade by admitting the importation of that produce which tends mainly to perpetuate that trade, you are therefore, from a Quixotic benevolence, to sacrifice all the interests of this country, and to put a stop to its industry, by the exclusion of the raw material. I say that you ought not to give up the attempt to check in any degree the increase of slavery and of the Slave Trade, and that you ought not to apply a new stimulus to that trade, merely because it is impossible for you to carry out your principles to the fullest extent and to the utmost degree. There is another question on which I should like to have some explanation from Her Majesty's Government. My noble Friend, in speaking of the West Indies, stated that they would not object to be placed on a footing of full competition with the rest of the world, provided there was no restriction to the immigration of labour, and provided the Government would consent to the removal of all differential duties; and my noble Friend added that Her Majesty's Ministers had consented to the removal of all the differential duties hitherto levied. Now, I must say, that I think that is a course of very doubtful policy, and raises a question quite apart from the main subject under the consideration of the House. I know that great inconvenience has been produced by the variety of duties formerly levied in our different Colonies; Jamaica having one scale of differential duties, for instance, and Demerara another. That system interfered with our negotiations with foreign countries, and was very injurious to our commerce; and, consequently, in the year 1842, my right hon. Friend the then President of the Board of Trade introduced the measure called "the British Possessions Act," for the purpose of fixing the amount of differential duties to be levied in every Colony between British articles and articles the produce of foreign countries. Now, I believe, that if you repeal that Act, and if you give to the Colonial Legislatures the power of imposing whatever differential duties they my please, you will find that although that may be a boon to the Colonies, it will lead to very considerable inconvenience in a commercial point of view. But my noble Friend says that there is to be a free immigration of labourers into our Colonies. Now, let us know what is meant by that. I believe that the West India Colonies can compete in production with foreign countries if there is so dense a population as to compel the people to labour; without that I do not see that anything will materially affect the rate of wages, or secure a sufficient amount of labour. What is the freedom of immigration which Her Majesty's Government is prepared to encourage? There is no check at this moment, let it be observed, to immigration into the West India Colonies from any part of the world; and there is no human being in any country who may not find his way as a free labourer into those Colonies, and there engage in any labour he may think proper. But very much more than that—the West India colonists have permission, and it is a permission to which I think they attach more importance than it deserves—they have permission, and have availed themselves of that permission, to import labourers from the British possessions on the coast of Africa or from the East Indies, at the expense of the Colonies, subject to this condition—that those labourers should be free to labour for whom they pleased. I want to know whether Her Majesty's Government mean to go further than that? Now, what is to be the extent of this freedom of immigration to the labourer? At present there is no check whatever on the immigration of labour to the West India colonies from any part of the world. Nay, more, the West India Colonies have availed themselves of the privilege of importing labour from our settlements on the coast of Africa, and also from the East Indies, on the sole condition that they should be entirely free. It is from the coast of Africa that the West India Colonists expect their supply of labour; and they require that individual merchants and planters shall be able to go in pursuit of labourers to places on the coast of Africa that are not in Her Majesty's dominions.

EARL GREY: No.

LORD STANLEY: I am stating what I believe are the wishes of the colonists. If they do not desire to go to places other than those which are British settlements, they have already that power. But I maintain that to tell the West India colonists that they shall have free immigration of labour is to promise, for the sake of obtaining their assent to an arrangement, what they could not obtain. Of course it cannot be the intention of Her Majesty's Government to allow the West India colonists to go in pursuit of labour to any part of the coast of Africa. There are very few places indeed on that coast where free Africans are to be met with. They would have to make arrangements very similar to those made by the slaves now. They would have to buy from the chiefs permission for the men to engage themselves as labourers; but those chiefs would not send their own subjects—they would make war on neighbouring tribes to enable them to supply the requisite number of human beings for the West India labour-market. True it is that these labourers might be free when they arrived at the West Indies; but so far as the African coast was concerned, to sanction such an immigration as would be necessary to supply the wants of the colonists, would be only to sanction a new form of the Slave Trade. That will be the completion of your disgrace. You first blockade the coast of Africa, and then stultify your blockade. You prohibit the Slave Trade by the severest penalties, and then enter into terms with the chiefs on the coast of Africa for the purpose of obtaining their consent to the exportation of free labourers to the West Indies, under a contract to serve their masters for a limited period. Again, I wish to hear from Her Majesty's Government what is this immigration—this free unrestricted immigration—which they are about to confer as a boon on the West Indies, to enable them to enter into a competition which they are at present unable to sustain? I should like to hear some explanation on that point. Only one word more as to the interpretation of treaties, to which my noble Friend referred. In the first place, my noble Friend says, although you refuse to receive this sugar into the markets of England, you do not hesitate to carry it into all the other markets of the world; you have no objection to be the carriers of this slave produce to all foreign parts. But what, if by doing so you give no encouragement whatever to the production of one additional pound of sugar? If you create a new market, new consumers; if you cause a fresh demand for the consumption of the article; if you encourage the growth of slavery under which it is grown, or the Slave Trade by which that slavery is established, I can understand the argument. But if you say I will carry from one part to another that produce which, if I do not carry it, will be carried by the French or the Hamburghers—if I take the same amount of produce as would have been taken if I had not interposed—I want to know what possible encouragement, assistance, or countenance you in the smallest degree give to the Slave Trade, by taking the carrying trade out of the hands of some one else? My noble Friend talks of our treaties—of the Spanish Treaty. I was not surprised at the remarks of my noble Friend, because I know that the same interpretation was put upon that Treaty on a former evening. This is not the time to enter upon that discussion; but if it were, I think it would not be difficult to prove the conclusiveness of the argument used on that occasion by the then Secretary for Foreign Affairs, and to show that that Treaty did not in the slightest degree provide for the importation on equal terms of the produce of different countries; but that it was, in conformity with the practice of those days, a Treaty for the protection of the mercantile subjects belonging to the respective countries of England and Spain, providing that the subjects of Spain or the subjects of England, importing into England or Spain the same article, should not be called on to pay higher duties, or be subjected to greater restrictions, than a subject of either country, on importing the same article into the same port, and selling it into the same market. If any noble Lord will look into the Treaty, he will find on the face of all the articles of the Treaty that they were designed for the personal protection of merchants, and as a defence against arbitrary exactions, and do not relate to merchandise or produce. Moreover, from these Treaties, in the letter, in theory, and in practice, the West Indian Colonies of Spain are studiously, emphatically, and in terms, excluded. I believe that on one occasion one of our Ministers sought to obtain some commercial advantages, relying on such an interpretation of our Treaty with that country as that which had been put upon it by my noble Friend. But that interpretation was at once rejected and repudiated by the Court of Spain. That interpretation of the Treaty was never admitted by the Court of Spain —that interpretation was never dreamt of until it appeared that by such a new construction of it difficulties might be created which would afford considerable commercial advantages to Spain. My noble Friend says, "It is not our fault that the Treaty with Brazil was not kept up." But was that Treaty a treaty for the introduction of slave-grown sugar? Was there any condition in the Treaty of that nature? Why, my noble Friend would lead your Lordships to believe that the Treaty with Brazil, which you had up to a recent period, placed slave-grown sugar on the same footing as the sugar of other countries. [The Earl of CLARENDON: No, no!] Why was the Brazilian Treaty brought in? The Brazilian Treaty has nothing whatever to do with slave-grown sugar. I am well aware that I have already detained your Lordships at considerable length. I must, however, add, that I think this a very hasty and ill-constructed measure. I do not think that this, under present circumstances, can be considered as a permanent system, and if it is not permanent, the advantage that is expected to be derived from it will be in a great measure lost. I do not think that it will go to the country as the deliberate expression of the judgment of Parliament, still less of the judgment of this country. I am satisfied that although there may be a desire in this country to obtain sugar some halfpenny a pound cheaper, yet even under the present mania for free trade—or supposed mania, for I believe it prevails much more in Parliament than out of it—I do believe the people of this country will hesitate before they obtain a trifling diminution in the price of this article, admitted to be of general consumption, if they know that its cheapness is to be obtained by an operation which will render useles and nugatory, and worse than useless and nugatory, all the efforts which they have been making for the last ten or twelve years—all the exertions and all the sacrifices they have made, and all the money and all the blood which they have expended—I think it will be difficult to persuade the people of this country that a measure which raises by 25 per cent the present price of an article mainly produced by slavery in Cuba, kept up by the Slave Trade to Cuba—I think it will be difficult to persuade the common sense of the people of this country that the price of the principal commodity grown in Cuba and Brazil will have no tendency to encourage slavery and promote the continuance of the Slave Trade, which they have made such stupendous sacrifices, and which I believe, as a moral and Christian people, they are prepared to make still greater sacrifices, utterly to uproot and extinguish. At any other period of the Session, in any other state of politics, and under different circumstances as respects the House, I should not have felt that I was doing my duty if I limited myself to stating the objections which I entertain to the measure. I shall move—only for the purpose of placing on record my opinion, that this Bill be read a first time this day three months. In the present state of this House, at this period of the Session, exhausted as your Lordships are by a sitting which has now lasted nearly seven months, after the decision—the most unexpected and unforeseen decision—come to by the House of Commons the other night, I shall not, my Lords, so far as I am concerned, give your Lordships the trouble of dividing on this question. If any other noble Lord should think fit to divide the House, with my strong feeling on this subject, I shall feel compelled to give my vote against the reading of this Bill; for my own part, however, I do not propose to divide your Lordships, I only desire to have it recorded that I for one entertain the strongest and gravest objections to this Bill; and, for my part, I say "No" to its first reading.

Lord DENMAN said, that he did not rise with the hope of adding anything to the powerful arguments urged by the noble Lord who had just sat down; but he felt it an imperative duty to himself, to all with whom he had been connected in political life, and to the people of England, to declare his direct and irreconcilable hostility to the principles upon which the Bill was founded. He fully concurred in what had been predicted in 1841 by the noble Lord at the head of the Government, as the consequence of such a measure. That noble Lord then expressed his opinion that a measure of this kind would stimulate and encourage the trade in human beings; and if he (Lord Denman) might refer to what had appeared in the pnblic papers, that noble Lord had repeated the same statement recently in the House of Commons. He did not find that anything but speculation and theory had been advanced in contradiction to that statement; but he thought the very object of the measure itself was a sufficient proof that its natural consequence must be that predicted by the noble Lord, for unless the number of slaves was very greatly increased, he was at a loss to understand how the increased production of sugar which was anticipated, was to be obtained. He thought it utterly impossible to talk of slavery and the Slave Trade with any degree of moderation,—or, indeed, with any other feeling than that of the most perfect abhorrence; and the noble Earl who commenced this discussion had expressed in very strong terms his detestation of that system. It was, however, rather difficult to suppose that this system could be regarded with any great abhorrence and disgust by those who proposed a measure which appeared to him directly calculated to aggravate the evil. It seemed to him scarcely possible the world would believe that those who now wanted cheap sugar at the expense of slave labour were the natural decendants of those who, at all hazards, and despite all difficulties, made such sacrifices to abolish the Slave Trade, and in abolishing which this country had incurred a very serious obligation to those parties who immediately suffered by the emancipation of slaves in our Colonies—the West India planters. He always felt that that class of people had been ill used; the State had placed them in an unfortunate position, and the State owed them an indemnity. A reduction of a halfpenny a pound in the price of sugar was now required, and at the same time they wanted an increased revenue. God forbid they should get it by any dishonest means! But at whose cost did they propose to get it? At the cost of those unhappy Africans who had no voice in that House, no friends or representatives in this country, no community of interest, and who were talked of like horses or oxen, or as even still less worthy of regard. He had perused a document which had been referred to in the other House of Parliament as well as in the debate to-night—the resolution of the Anti-Slavery Society of Liverpool, who expressed an opinion that this measure would not increase slavery. The committee of that society set out with a very candid admission of the sinfulness of slavery; and the committee then proceeded to say that they "could not record but with feelings of humiliation and sorrow, the failure of every measure, both fiscal and military, which had been applied to the extinction of the Slave Trade." Now, with the greatest respect for these gentlemen, he begged to question the accuracy of that statement. He could not conceive that there had been any failure at all. He admitted there had been no extinction of the traffic: it had proceeded, but it had proceeded in a very diminished ratio. Their Lordships had heard to-night that no less than 75 ships, engaged in the conveyance of slaves, were captured last year; and he would like to know what number of negroes had by those captures been placed under the protection of the British Government at Sierra Leone to reap the benefits of civilization. He thought, then, that it could not be said, that the measures adopted for the suppression of the Slave Trade had failed, when so many vessels conveying slaves to work under the lash in Brazil, had been intercepted by British cruisers during the last year. It was admitted, that both in Cuba and Brazil many persons were desirous of getting rid of their slaves; and they were, no doubt, less anxious to protract the system of slavery, because their trade was rendered dangerous by the watchfulness of British cruisers. The Government were not asked to legislate on this subject in July or August without a proper opportunity of forming a deliberate judgment; and yet when they had hardly been placed in their seats, they called on Parliament to make an inroad on a mighty scheme for the abolition of the Slave Trade, and for rescuing the human race from a curse and a stigma under which they had long laboured, and which fostered and maintained a body of men in the practice of piracy of the worst kind. They had been warned of the difficulty of dealing with foreign Powers if they introduced this scheme of duties; but they were part of our system of laws. Had any difficulties arisen on the subject? Did Brazil complain of our doing that which she herself professed to do—namely, to take measures for the abolition of the Slave Trade? She was precluded by her treaties from raising any objections, as well as by the law of nations. The great argument urged in favour of the Bill that night as well as on former occasions, was the necessity of doing away with the inconsistency which marked our present course. But, surely, if there were inconsistencies—if there were two elements in our system, one good and the other bad, they were not to secure consistency by sacrificing that which was good, and adhering to that which was bad. For his own part he took no blame to himself for any of these measures which had been alluded to. Like most of their Lordships, probably, he had not looked into them, and had taken no part in their discussion; but to say that a great evil was not to be reformed, for fear of the charge of inconsistency, appeared to him to interpose a bar to every kind of improvement. No measure of prevention was perfect; but this was no reason for giving it full effect whenever it might be applicable. From the examination which he had bestowed on the question, he had no doubt whatever that free labour would be driven from the market by this Bill, at least for a considerable number of years. They had been told how free labour was to supersede slave labour by means of improved cultivation and machinery; but it had not been shown how the slaveowner was to be debarred from resorting to the same means. The limit was lost on the subject of slave labour. It was impossible to estimate the extent to which it would increase. If we multiplied slave labour for the purpose of supplying the immense quantity of sugar which the people of England were said to require, how could we at all limit the employment of slave labour? He thought, therefore, that before this great experiment was made, it would have been very desirable to ascertain the extent to which the resources of the East Indies and of the Mauritius in the production of free-labour sugar could have been made available, and also how far the supply could be augmented by any schemes of emigration that could be adopted, rather than that it should be now stated from what doubtful sources imperfect aids might by possibility be drawn, and that we should now be driven to this principle, that free trade would and must prevail; that it must make its way; that there was no means of stopping it; that, like Napoleon, we must yield to commercial enterprise; and that there was no possibility of checking free trade in any direction in which it should tend. That seemed to him a very alarming doctrine, and he wished the Government would state how they would apply such a principle to the encouragement of murder, bloodshed, and rapine. If an analogy were attempted to be drawn between the articles of corn and sugar, he said the comparison did not apply, because corn was not produced by human blood, and the occupation of the foreign farmer was an innocent one; but if we determined to shut our eyes to any atrocities or crimes that might be committed in the growth of the articles of our consumption, we should be subverting all the principles of morality, and destroying the tenure upon which the whole system of human society was based. These principles were not applicable to the people of England. They would willingly give up any advantages which they might derive from an extension of the supply of sugar to be obtained by such means; but they were not prepared to give up those principles for which they had so long contended, and which they had at last established at such sacrifices. He owned he had been taken by surprise by being called upon to debate this question at the present period. He had come to town for the purpose, at great inconvenience to himself; but under the circumstances he should not now enter upon a variety of topics upon which that question rested, totally different from those which had been to-night advanced. He felt it his duty to oppose this measure upon the general principles which he had always endeavoured to support; and when Members of the Government talked of the settlement of this great question, he begged leave to tell that the question was not by any means settled. A measure brought forward in so hasty a manner, at such a period of the Session, and with so little opportunity of discussion—a measure, above all, whose principles seemed to him unjust, never could be settled satisfactorily in the way the Government proposed; and it might be useful to the country that this question should not be considered as settled. There was one consideration to which he wished to advert, although he did not know whether it had been pointed out before: if free trade was this irresistible power which it was in vain to contend against, and to which we must all submit, he wanted to know why that answer should not be given to any of our own subjects who were disposed to purchase slaves, as the Government were prepared to purchase the article produced by slave labour? If free trade was to be made the means of encouraging crime, bloodshed, and all the horrors that take place on the coast of Africa, he did not see why the traffic in slaves might not be directly allowed. He should not longer trespass upon their Lordships, but felt it his duty to express his opposition to the Bill.

The MARQUESS OF LANSDOWNE said, that notwithstanding the expectations expressed by the noble and learned Lord who had just spoken, that some further argument should be put forth from the Ministerial benches in support of the Motion for the first reading of this Bill, he confessed that, after having listened to the speech of the noble and learned Lord, he should have been perfectly contented to have rested the arguments in favour of this Bill upon the full, able, complete, and varied statement of his noble Friend who presided over that department with which this subject was more immediately connected; but without meaning to prolong this unusual, though convenient discussion, on the first reading, he did feel himself called upon to answer the questions put to the Government by his noble Friend opposite (Lord Stanley), as well as by the noble and learned Lord who spoke last. In the first place, his noble Friend had asked the Government whether they thought that that was a fit period of the Session to come to a decision—for he said they could not have so full and deliberate discussion—upon so important a question. He (the Marquess of Lansdowne) was prepared to contend that the Government would have been wanting in their duty if they had allowed this Session to terminate without endeavouring to secure to the people of this country a participation in that share of the consumption of sugar to which they were entitled; and that the Government were fully justified in not adjourning the question to a distant period, especially when they considered the claim the people had derived from the decision of Parliament upon the Corn Laws, to the benefit of any other consumption which the principles of free trade could give them. This question, too, was not brought forward now for the first time. It had been discussed over and over again; and the absurd folly and inutility of the system they were now pursuing for the purpose of putting down the Slave Trade, and in which they had persevered for so long at such an expense of money and at such a sacrifice of life, stood recognised and discovered. All their laudable efforts had failed, whilst they left the people of this country subject to an impost which produced no benefit to any man whatever, either black or white—whether he was an inhabitant of this country, or one of the devoted nations of Africa—and was attended only by a fanciful distinction of having the poor—not the rich—consumer of this country liable to the payment of a larger sum than, according to the ordinary principles of free trade, he ought to pay for his consumption of sugar. "But," said his noble Friend opposite, "you may say you require to have this upon the principle of free trade; but is this Bill a Bill of free trade?"—and his noble Friend proceeded to tell them it was not, because, after all, when the working of the Bill was complete, it would leave the consumer liable to pay a duty of 14*s*. But did the advocates of free trade hold that the institutions and establishments of the country could be maintained for nothing? Did they say that no revenue was required to be raised? The principle of free trade was to have no discriminating duty—to act upon the principle of open competition; and when he saw all those discriminating duties abolished, he said they had, as far as the necessity of their condition and revenue would allow, placed the principles of free trade upon a lasting and sound foundation. He therefore claimed for this measure the character of a free-trade measure. The arguments advanced by the noble Lord opposite, and which were employed elsewhere, were rather inconsistent, and required only to be placed in juxtaposition to prove that. The Government were told they were wrong in principle to consume slave-grown produce; but if it were wrong, there were a great many things in which it must be done, and was done. It was said that the West India producer could supply all the sugar this country required; but afterwards another argument was used to show that that supply must fail; and yet they were to keep up a fanciful distinction between one quarter from which sugar came and another. He said fanciful distinction, because it did not diminish the growing of slave-grown sugar, whilst it increased the price; and the prosperity and commerce of this country were called upon to feed and maintain it, inasmuch as it supplied every country that consumed slave-grown sugar with the articles with which they were enabled to pay for it. We supplied Russia —not directly, not honestly, but indirectly, dishonestly, and circuitously — with all that she consumed of slave-grown produce: and not only that, but when his noble Friend talked of blood and sacrifices, let him remember that a great part of the slave produce was carried on in English ships—that a great part of the trade in Brazil was carried on by British ships. By an account which he held in his hand, he found that, in the course of last year, British vessels had conveyed 23,889 tons of slave-grown sugar from Rio Janeiro alone to different parts of the world. And yet it was said that, under the present system, they did not contribute to the encouragement of the Slave Trade. Again, our vessels were engaged in the conveyance of this produce from Cuba to Trieste, for Austria had no scruples about slave-grown produce, and we supplied her with slave-grown sugar. But his noble Friend felt the inconvenience and want of solidity of his own argument; for, after stating the principle very highly as to the impropriety, and immorality, and wickedness of using slave-grown produce, he said, there were some things so extremely convenient to us we could not do without them. His noble Friend thought of Lancashire—he thought that all the manufactures there would be gone, but for these articles; and he said it was so convenient we should have cotton. If then it was to be confined to a question of convenience, let his noble Friend not tell them that it was to be a matter of pounds, shillings, and pence; let his noble Friend not condemn the Government for calculating, when he himself made calculations; his noble Friend appeared to try things by a thermometer of his own; it rose to boiling point on Cuba sugar, but sank to a most agreeable temperature on Carolina cotton. But the Government were not going to give a stimulus to the Slave Trade—they intended only to afford a stimulus to the free cultivation of sugar, and he confidently stated that there was a growing disposition, both in Cuba and also in Brazil, to a system of free labour for the cultivation of sugar. He called the attention of the House to the fact, not noticed by his noble Friend, nor by the noble and learned Lord—a fact stated upon unquestionable authority — that the cultivation of sugar had increased although the importation of slaves had not —a perceptible proof of the disposition in Brazil and other slave-growing countries for free labour; and he thought that under more favourable circumstances that increase would be still further augmented by the application of that most effective of all arguments—by convincing the owners that it was more profitable to them to cultivate sugar by free than by slave labour. Would his noble Friend opposite, who so well knew the Colonies—would he affirm that there were not estates where produce might be doubled if an incentive were applied to the use of machinery. His noble Friend said, that with the increasing production of the West Indies, by means of improved methods of cultivation, they ought to wait and see the ultimate effects of it; but would his noble Friend say there were not estates the produce of which might be doubled, if an incentive were applied by the removal of protection? He knew that upon the best authority, and he knew more; for he knew that, notwithstanding his noble Friend held out menaces—menaces in argument he meant—against persons embarking capital in the Colonies, yet with this Bill before Parliament, and with almost the certainty of its being passed, there was forming in this country a company composed of men of the greatest information, and possessed of sufficient capital, for the purpose of embarking that capital, with no other prospect of a return than that which they would have under this Bill, by extending the production of sugar in the West Indies. He hoped, moreover, that from this very Bill, out of the increased influence which commerce with this country would give us, and out of the improved relations, not only between Government and Government, but between man and man, this country would be enabled, not only to remove that repugnance which they had created in certain Governments against them, but to obtain their concurrence, which in no other way could they have hoped for, in putting down that which he thought might be put down more effectually by the universal concurrence of all countries, than by any other means. It would also give great encouragement at home to the employment of free labour, which, as every day proved, was becoming a more important and more fruitful source of industry. He had heard recently that a large number of white persons, amounting to nearly 2,000, had gone to one of our West India islands from Madeira—and such an immigration was likely to be attended with great advantages to both the employers and the employed—and that it was likely that those immigrants would be followed by many more. He would not then go into the measures by which he hoped the West India Colonies might be reconciled to the adoption of this change affecting their interests; but long before this, after the country had been called upon, from principles of humanity, to remove the fetters from the negro, the Legislature ought to have removed also the fetters from the industry of the West

India planters; and the Legislature had commenced this by affording greater facilities to immigration, and by permitting persons to bind themselves for a certain period under the superintendence of the local magistrates. He thought also that it would be wise to permit the Colonies to regulate their own duties, of which they were better judges than the British Legislature could be; and when the West Indies had received these aids for the struggle, he trusted they would redouble their exertions to produce free-labour sugar, bringing all their intelligence and capital to the production; and that there would be both from the West Indies and the East Indies an increased supply to this country, except only that the East India supply should be diminished to this country by the growing prosperity of our subjects in India, and by the greater consumption of sugar by them. Upon these grounds he trusted their Lordships would give a first reading to this Bill. And, before sitting down, he might perhaps suggest to his noble Friend, that he should allow the Bill to be read a first time, as being a more respectful mode of meeting a Bill coming from the House of Commons, and that when the proposal for fixing the second reading should be made, his noble Friend should move that it be fixed for that day three months, by which his noble Friend would have every opportunity he could desire of protesting against the Bill.

Lord ASHBURTON said, that as the speech of his noble Friend near him (Lord Stanley) had been entirely unanswered, it would be presumption for him to detain their Lordships for any lengthened period; but as the subject was important, and he had come up for the purpose of giving his vote against this Bill, he could not allow that—the only—occasion, on which the merits of the Bill would be discussed, to pass without making a few observations. The opposition to this Bill rested on two distinct grounds—the general impolicy of the measure, setting aside all questions of humanity; and, secondly, whatever their judgment might be upon that question, it remained to be determined whether there were any moral considerations connected with the character of this country which forbade any advance at all in doing that which would, in the eyes of the world, be impolitic and improper. As to the question of the general policy of this country, the leading argument on all sides was that great principle which seemed to have dropped from the clouds for the first time this year, and it was said that free trade having been applied to one thing, must now be applied to all. The whole principle on which Parliament had so far acted was that it was for the benefit of the country; but so far as the agricultural interests went, the prejudicial effect had been shown in the depression of their markets, and in their inability to find purchasers. The interests of the Colonies did not come so directly home to them; but they might find themselves injured from the ruin which would result from this measure, when it would be too late. It involved a complete change of the whole of our colonial policy. The question whether we were to have Colonies at all, was involved in the question of free trade or protection. Protection had been sometimes carried to a ridiculous extent; but it was essentially required, and it formed a necessary part of that system under which this country had acquired greater wealth, perhaps, than any other, the results of ships, colonies, and commerce. The principle advocated by the noble Earl would involve the loss of the Colonies. What was the object of colonies at all? There might be parts of the globe, like Malta and Gibraltar, which were kept as points for armaments, or as places of refuge for our naval forces; but all other colonies were preserved for benefit of trading with them, and for the advantage of having a privileged trade with them. The system of reciprocal protection was the system of colonies; and they would cease to be of any value the moment we deprived them entirely of the system of protection. Was it intended to give to the Colonies the power of removing all restrictions? Were they to be at liberty to trade where they pleased, in what bottoms they pleased, and to have the entire and unrestricted free trade which we claimed for ourselves, and which it was said would produce such benefits to every one? This might be a very good and fanciful notion of some one seeking an Utopia; but considering the position of the world as hostile with respect to commercial regulations, he asked whether we ought to throw down our defences, and to let in all the world, and whether any such system could be found in such a country as this to answer? Yet, with the boldness which distinguished the disciples of this school, the noble Earl followed up the rule to its fullest extent. Was everybody, then, to be allowed to carry their manufactures to Jamaica and

Canada on the same terms as we received them ourselves? If that were the case, the gentlemen in Manchester, who expected such great benefits from free trade, would discover that in their own favourite article of cotton, the monopoly in which they conceived no one could take from them, they would meet with successful rivals in some of those Colonies. It had been stated by some of those gentlemen in the Committee on the Burdens on Land, that the Americans met them successfully in the Brazilian and Chinese markets with coarse cottons; and why should they not equally beat them in our own Colonies? It would then be a question whether it would be worth while to keep our Colonies not for our own benefit, but for the benefit of all the world, at a great expense to the revenue, with a great increase of our establishments, and entailing upon us certainly weakness and feebleness, if the time should come when we should be unfortunately called upon to defend ourselves at home. The country would be placed in a false position by this system; and if the principle were adopted at all, it must be carried further—the whole thing must be looked to: and he felt strongly confident that the men who advised these measures, and pressed them upon the country and upon Parliament, ran the risk of bringing into jeopardy the prospects of this country; and he warned them that it was a most dangerous experiment. He could not say from the speech of the noble Earl who moved this Bill, that he entered upon the proposal with a full conviction of its importance, and of the end to which it would lead. Therefore, setting aside the principle of humanity, he objected to so treating the Colonies. The unfortunate West Indian had been worse treated than any other. Within his own time the Slave Trade had been carried on—that trade was abolished: assurances were at that time given, that there was no intention of disturbing the condition of the Colonies with regard to slave labour. Then came the second measure for abolishing the condition of slavery altogether; and great as had been the expense, and enormous as was the amount which this country had sacrificed, there were few people, he believed, in this country, who were dissatisfied at the sacrifice that had been made. Now they came and asked Parliament to let into competition with them—knowing the unfavourable condition in which they were left—the slave-grown produce of other parts of the world. What they had been told in this country with respect to the repeal of the Corn Laws—that it would give a great impetus to the labour and industry of this country, and create a great stimulus among the English farmers—was told also to the West India proprietors; and this impetus was to be given by taking away the rewards which followed their own industry. How could they adventure new machinery and increased immigration, whilst the value of their produce was thus diminished? If these improvements were likely to do good, why did Parliament withdraw all encouragement to making them profitable? By this Bill they were giving an additional encouragement to the Slave Trade, because it made a difference whether they were dealing with those who used slave labour, and those who encouraged the Slave Trade from the coast of Africa. It was said, indeed, that we did receive other articles the growth of slave labour. That, however, was not the question under the present Bill, which was to extend that system. If this were a new subject, and if there were already no trade with countries using slave labour, there might be some argument on the general question; but the question here was whether they should pass a Bill to open new sources of supply, which would come exclusively from Cuba and Brazil, where not only slavery existed, but the Slave Trade was carried on to a great extent. It was well known that the calculation made by persons engaged in the Slave Trade was this, that if one cargo in five were brought into port and securely disposed of, the proceeds of that would be sufficient to defray the expense of the whole five voyages. He need scarcely point out to their Lordships the great influence that such results must have on the minds of men as inducements to them to engage in the Slave Trade. The House could not have forgotten that this country made a vast sacrifice for the purpose of putting an end to negro slavery. Were they now prepared to render that sacrifice nugatory for the sake of 2*d.* or 1½*d.* per pound saving on the cost of sugar? Were they prepared, for the sake of a trifling reduction in price, to revive the old system in all its horrors? He fully believed that if the people of this country really understood the question before the House, they would declare against it now, as they had done in the year 1841, when it was proposed to give them cheap sugar, and a variety of other things cheap.

It was no answer to this to say that encouragement was given to the Slave Trade by the importation of the copper ores of Cuba. He should never support that; he never had supported anything which appeared to him to have a tendency to encourage slavery, still less the Slave Trade. But then they were told that they must pass this Bill, because sugar was to the people of this country one of the necessaries of life. It had long been in use, but he nevertheless regarded it as one of the luxuries of life. The cotton trade was a very different matter from the trade in sugar. They were not now called upon to deal with the cotton trade; it had long been settled, and the settlement had lasted for years; but with sugar the case was wholly different. It had become fashionable to say that we ought to buy in the cheapest market, and sell in the dearest: he trusted, however, it was not necessary to inform their Lordships, that markets apparently the cheapest, were not the cheapest in reality. Upon the whole, he regarded the commercial scheme of the Government as most objectionable; and he should ill discharge the duties which he owed to their Lordships and the country if he did not protest against it. The change in the Corn Laws, and the proposed alteration in the Sugar Duties, did not go to the country as having the support of anything like majorities of the two Houses of Parliament. It was well known that the change in the Corn Laws was not carried upon its merits; and it was equally well known that the present proposition respecting sugar, had been supported by his right hon. Friend in another place, not upon its merits, but on account of a particular party position. His right hon. Friend, and those who supported him in the House of Commons, had voted for the Bill before their Lordships, not upon any ground of political expediency—not upon any ground of humanity—but solely to avoid disturbing the Government. Hence it was that both the measures, both the Sugar and the Corn Bill, would go before the country without the support of a majority in either House.

Lord MONTEAGLE agreed with other noble Lords in regretting that a measure of such importance should be introduced at this advanced period of the Session, and when so few Members of their Lordships' House were present to discuss it; but that delay did not rest with the Government, for it was impossible that they could, consistently with the discharge of their other public duties, bring forward the measure at an earlier period. It was said, however, that they might have, under such circumstances, postponed the Bill; but to that he would answer, that he could hardly conceive any greater dereliction of duty than postponing the introduction of a measure of this description, and not taking the definite opinion of the House with regard to it this Session. What, he would ask, had been the constant complaint of all parties with respect to this subject? Was it not that the question had been allowed to remain unsettled? His noble Friend who spoke on the other side of the House had disposed of the objection which was based on constitutional grounds, and, therefore, he would look on it in a financial and commercial light; and regarding it in that view, he would declare that the present state of those duties was a financial and commercial wrong; and any one who had been connected with the finances of this country must be aware of the various communications which were made from various quarters, from the east and the west, complaining of the injury which many interests suffered from the unsettled state of the question, and the want of any permanent arrangement of these duties. The noble Lord opposite who opposed the measure had spoken of a pledge to the West Indies, of not proposing any interference with their productions, and of the improvements which had taken place in the cultivation of those Colonies, as if they were the result of the pledge; but he (Lord Monteagle) would say, that of all the examples of extraordinary credibility which he had ever heard of as existing in the mind of any man, it was in the minds of those connected with the East Indies or the West Indies, if they believed that there was any possibility of those duties remaining in a situation of continued permanence. What had the Legislature been doing for the last twenty years with regard to the Sugar Duties? Had they adopted a course which could have induced the planters to suppose the Sugar Duties would be allowed to remain as they were? Had not the legislation on the subject been a succession of changes, giving rise to anticipations of other changes? Under these circumstances, he thought that Her Majesty's Government had acted most properly in bringing forward such a measure as this, when they considered that allowing it to remain unsettled was productive of such injurious consequences. In referring to the connexion of this subject with slavery, his noble Friend opposite had omitted to advert to the argument of the noble Marquess near him, namely, that when they admitted foreign free sugar from the Continent, they abandoned the principle of discrimination. It was quite clear that if 50,000 tons of free sugar were taken out of the continental market, it would have the same effect on slavery as if they took the same quantity of slave-grown sugar. The price in the continental market would be regulated by the supply of sugar, and when they took that free-grown sugar from the markets of the Continent, they abandoned all pretence to discrimination. Suppose the supply of sugar to the continental market consisted of half free-grown and half slave-grown sugar, what difference did it make which we took if we admitted either? He would defy the most ingenious argument to point out a difference. It was objected to the reduction of these duties, that such a reduction would have the effect of stimulating the Slave Trade. At a former period the supply of sugar from the Colonies was so extensive as to produce a surplus which was exported to the Continent; and in that case a reduction of duty, by increasing the consumption here, and decreasing the supply to the Continent, might be said to encourage the consumption on the Continent of slave-grown sugar to make up the supply. But the case was now different, and he could not recognise the argument that a reduction of duty ought to be considered as a question of maintaining or stimulating slavery. Could any one believe that the discriminating duties had ever been intended to have any connexion with slavery? Was not the discrimination continued after the abolition of the Slave Trade by this country, but whilst we continued to be masters of slaves? The discrimination was intended solely as a protection to the colonists; and having used it so long, had they now a right to turn round with all this pathos and moral indignation, and to defend it on totally new and different grounds? His noble Friend said that we were about to give up our colonial system; but did he mean that the colonial system established in former and bad times was right? Was it not unjust to compel our Colonies to take our goods, if they were of a higher price or an inferior quality to those which they could get in other markets? And was it not unjust to compel us at home to take the goods of the Colonies at a dearer price than that for which we could obtain them elsewhere? Could a mutual wrong of that kind be defended on just and reasonable grounds? He could understand the principle of compensation; but he could not understand how a mutual wrong could be made a tie between the Colonies and the mother country. What was the tie that really bound us? Did not the Colonies see the advantages of being connected with England? Were they not proud of that connexion, as we had reason to be proud of them? Looking at the spirit of our institutions, and the freedom that was established by the British nation wherever it fixed its footsteps, the Colonies were proud of their connexion with this country. He could not agree that mutual wrong was a proper tie between a nation and its Colonies; nor could he agree with the inference that it was right to continue a wrong, but that it was wrong to commence it. The noble Lord opposite had said that if cotton, being a slave production, were now for the first time to be introduced, the question would assume a different character from that which belonged to it, as the trade was at present established; but he (Lord Monteagle) would ask him what would be the effect of reducing the duty on cotton? Would it not be as great a stimulus to slavery as the reduction of the duty on sugar? It would; and when the noble Lord talked with contempt of the reduction of one halfpenny a pound, he (Lord Monteagle) would inform the noble Lord that we sacrificed our sympathy—if that were a sacrifice of it—with the slaves in the article of cotton, for five-eighths of a penny per pound. Would it be right, then, to say to the Government of that day, that they had sacrificed all sympathies with the slaves for five-eighths of a penny? Their Lordships were aware that a most important branch of the trade or commerce of a whole country might turn upon the five-eighths of a penny, and that the Government of this country had, on a former occasion, sacrificed 700,000*l.* for the five-eighths of a penny. With regard to the interests of the owners of property in the West Indies, he would say that if ever people had the fullest notice that a question was to be settled, it was the people of the West Indies as regarded the sugar question. He (Lord Monteagle) introduced the largest change that had been made on the subject—he introduced it as an organ of the Government with which he was connected, being then in the other House of Parliament; and when he at first proposed it, that measure was regarded as subversive of the interests of the West Indies by many. It was a measure to assimilate the duty on East and West Indian sugar; and though he had heard great complaints of suffering in the West Indies, he never, since the passing of that Bill, heard any one connected with the West Indies attribute any of the losses which had taken place to the assimilation of the Sugar Duties. No attempt had been made to answer the statement at that side of the House as to the absurdity of the pretension of humanity in this matter. We sent this slave-grown sugar to all parts of the earth—we compelled our Colonies to consume it—and yet we were told that on the ground of humanity this duty ought not to be reduced. There was a time in the fanaticism of the middle ages, when the Pope assigned the east to one Power, and the west to another; but the extravagance of the Pope was nothing to be compared to the assumption of placing certain limits of longitude and latitude to right and wrong. We might say that one side of the line was to belong to Portugal, and another to some other Power; but it was an absurdity to say that a thing could be right at one side, and wrong at the other. He would direct the attention of their Lordships to the position of the finances of the country at present—a position which, to those who did not look below the surface of things, presented no cause of alarm, but to those who did, it was alarming, or if not alarming, it was only because they depended so much upon the unbounded resources of the country. There were deficiencies in the income of the country at the present moment, and this Bill, it ought to be recollected, would give a just and legitimate mode of improving our finances, not by the imposition of new, but by the diminution of old burdens. It would not, it was true, give a balance in our favour of more than half a million; but it was a fair and legitimate mode of increasing the revenue, and ought to be adopted. If they compared the receipts and expenditure, they would find a surplus; but if they considered the extraordinary resources which had been brought to the aid of the permanent income, they would find that no less than 25,000,000*l.* sterling, not of permanent, but of temporary income, had been added.

Lord BROUGHAM felt that he laboured under very great difficulty in addressing the House on the present occasion, because a fortnight ago he had an opportunity of stating his opinions and expressing his feelings on this subject at considerable length, and he had waited during the course of this debate with some anxiety to hear an answer to the arguments which he then used, and to the statements which he then made: but notwithstanding all that had been said, he considered himself in the position of being up to that moment unanswered. What made the duty of answering more exigent on his noble Friends opposite was, that his arguments had been since enforced by the most powerful and eloquent speech of his noble Friend near him (Lord Stanley), which had been followed up by another noble Friend who sat near him, with his usual acuteness and power of argument; but, nevertheless, up to that hour his arguments were unanswered. That would certainly seem to relieve him from the task of going again through the same subject, and thus rescue their Lordships from the tedium of having the same tale again told told to them. Nevertheless, there had been some arguments in the speech of his noble Friend who had just sat down (Lord Monteagle), which would seem to indicate that they had taken somewhat different views on the subject. The noble Lord had delivered that speech as he always did, with great ability, but with more than his usual confidence, if he would allow him (Lord Brougham) to say so. He (Lord Brougham) might indeed observe, that when a man had less cause for confidence, he was apt to show it more. His noble Friend had adopted a tone of confidence and triumph, he would say, and he went off from point to point, reminding him of the gardener's motto, "to look at everything, and touch nothing." When he went over a point he said, "What did you say to that—that was a most important argument, and you did not take notice of that." Why, the fact was that it had been answered two or three times, and he (Lord Brougham) was under the painful necessity of again referring to it, as his noble Friend did not attend to the answer; he was probably thinking of his own prospective speech, or he would have heard the answer that was given. His noble Friend opposite (the Marquess of Lansdowne) had made an assertion with reference to the period he (Lord Brougham) had brought forward this subject before—

The Marquess of LANSDOWNE: I

said that it was then brought forward by anticipation.

Lord BROUGHAM: And it is brought forward by anticipation to-night.

The Marquess of LANSDOWNE: There is a question now before the House.

Lord BROUGHAM: But they were debating a question on the first reading, and his (Lord Brougham's) statement was brought forward by anticipation with no greater irregularity, or no greater deviation from the practice of the House. He had done so for the sake of common and general convenience, because he conceived it was very convenient for that House to have an opportunity of expressing its sentiments on a Bill which, coming from the other House as a Money Bill, they would have no opportunity of dealing with, save by rejecting it, which might be inconvenient. That was his (Lord Brougham's) reason for making his speech on that night's debate when he presented the petition of Thomas Clarkson. His noble Friend (the Marquess of Lansdowne), though he followed him, did not answer him. Indeed he promised to say nothing on the subject; and he was as good as his word, for he certainly did say nothing on the subject. It was a speech of half an hour's length, but contained nothing on the question before the House; and therefore he (Lord Brougham) must consider his noble Friend's speech on that night as his speech on the question. He said, before he addressed the House on the present occasion, he would say little; and again his noble Friend had kept his word. What he said was very little, and it was not much to the purpose. He (Lord Brougham) still adhered to the opinion he had formerly expressed, that this was a most unprecedented mode of dealing with so large a measure, and that it was introduced at a most unprecedented period of the Session. The more important it was the question should be settled, the more necessary it was that it should have been brought in at the accustomed period, that full consideration might be given it. His noble Friend who spoke last, however, had said that it would be shameful for the new Government not to bring on this measure. But why? Merely because they were a new Government, and just come into office. Why, that was the very reason for taking a little more time for turning about, and making up their minds on the policy of the measure. It was anything but a reason at this side of the channel for haste, except it was urged that they ought to be the more hasty the more important the question, and walk the quicker the more slippery the ground under their feet, and that in proportion as the subject was important they should dispose of it in a great hurry, and not look on either hand, or before them. It appeared that it was necessary at all events to do something; and why? Because they were a new Government. He understood that a new Government must have something to go with to the country, when it had no majority in that House or in the other House—he (Lord Brougham) could assure the noble Lords opposite that he wished to raise no unpleasant feelings in their minds—and had no hope of existence except from the quarrels amongst their adversaries; when he considered that, no doubt he could see why they should wish to court favour elsewhere, and to make an appeal to their supporters outside of doors. They said, let it in God's name be an important measure that we bring forward—a measure with a good name—and let it be called something cheap. Let us, said they, cry out cheap sugar, and thereby have something else besides the *hostium discordia* to trust to for our existence. On such grounds as these he could understand why this Bill was hurried through the House at so late a period of the Session. Let it be recollected that the people of the West Indies could not have the slightest knowledge of this measure, or an opportunity of being heard against it. They took their negroes from them, which were their property, on account of their love of humanity; they confiscated their property, on account of their humanity and justice, and their love thereof; and they gave them about one-fourth or about one-fifth part of its value—a great deal for them to pay, but very little for the West Indians to receive; and the next thing they did was to take away the advantages they formerly enjoyed from protection, and to let in all foreign competition to overwhelm them; and that was not enough, for they scolded them at the same time that they flogged them—it was "preachee and floggee too." His noble Friend who opened the debate told them (the West Indians) that they were in a state of ignorance—that they were an incapable and a foolish people—that they did not know how to manage their own property, or to apply machinery, or to economise labour, or to meet expenses, or to get profits. There were so few arguments to deal with, that it did not much signify where one took up the subject, which was left very much in a state of wreck, and as he had hit upon it he would proceed to refer to that part which related to the unhappy West Indians. No person could accuse him of any prejudice in favour of the West Indians, for during all his life, both in Parliament and out of it, he had been in conflict with the West India body; but he was not on that account to do them an injustice. It was said that the object was to destroy monopoly, and to give them cheaper sugar; and, secondly, it was said that they sought by the prodigious force and power of competition to stimulate them to turn their minds to the improvement of their machinery, and to increasing the quantity. That was the argument of his noble Friend; and they were told by his noble Friend the noble Marquess a fact which he brought forward with great pomp: he said that a great company which was going to be established in the centre of Jamaica, was owing to this measure; but this company was undertaken six months ago, when no idea existed in the human imagination of any measure of the kind; because at that time Sir Robert Peel adhered to his old plan. He adhered to his opinions of 1841; he adhered to his opinions of 1843, 1844, and 1845; and it was only within the last three weeks that a great light broke upon the mind of his right hon. Friend the worthy Baronet, and he gave up the opinion he formerly held. No, he (Lord Brougham) begged pardon. The right hon. Baronet adhered to his former opinions, but still he supported the Government—it was a kind of *non sequitur*. He said, I think this is a bad measure, and because it is a bad measure, and because I disapprove very much of it, I will give it my support, because I don't wish to shake the Government; and thus it appeared that the *hostium discordia* again prevailed. He (Lord Brougham) could, by the list of voters the other night and the voters of 1841, demonstrate to their Lordships that there was in the House of Commons a decided majority against this Bill, and on the very selfsame ground on which they passed, by a majority of 36, Lord Sandon's Resolutions, which was the very ground they now took, namely, that this was a Bill for the encouragement not only of slavery, but of the African Slave Trade. How were they to calculate on such a miraculous conversion as the miraculous conversion of Lord Sandon? And who had seconded his Resolution? Mr. Hogg. [*A noble Lord here made an observation to Lord Brougham.*] Oh, yes, Sir Somebody Hogg—aye, Sir James Hogg—is it the same person? [A Noble LORD: It is the same person.] The same person! It is utterly impossible. Why he (Lord Brougham) had read not many hours ago the speech of the untitled Mr. Hogg, and he closed a most eloquent and admirable speech with this sentence: "How can you, sitting in a Christian assembly, vote for a measure involving the very existence of our Colonies—involving the most sacred principles of justice—involving the principles of humanity, and the principles of the Gospel itself." He (Lord Brougham) might pause and doubt whether this could be the same individual whom his noble Friend had cited as an authority that night; but he was now in a new state: he had passed out of the chrysalis into the butterfly state, and he now enjoyed another nomenclature. Some singular change had certainly taken place; for if his former arguments were correct, he now came forward with the advocates of this measure, against the Gospel, against humanity, against the existence of the Colonies, against the sacred principles of justice; and that in the same Christian Legislature where he made his former speech. Why, what a joke was this! There was a person of whom it was said that he assumed the form of a tree—*si volis arbor*—or even of a boar—*sive aper*. But another poet, who had also dealt with the subject of Proteus, described him as one,

> —qui subito sus (*laughter*) horridus, atraque tigris,
> Squamosusque draco et fulva cervice leæna.

He (Lord Brougham) thought the whole argument in favour of this measure was this, that sugar would be reduced in price, and would be brought within the capacity of purchase to the bulk of the people of this country to a large amount—for if not to a large amount it did absolutely nothing. Now, he might as a plain man, and without professing any great knowledge of Colonial affairs, or affecting any great knowledge of the affairs of the Board of Trade, or pretending to an accurate investigation of details—he might, as a man merely exercising his common sense and judgment, ask this question: how could there be that augmentation of the quantity of sugar which was to bring the article into every cottage—which was to lower the price by increasing the amount of supply—how could this possibly happen unless there was an immediate increase in the quantity of sugar brought into the market? How should that be got but by one way, and one way only—by a gradual supply? If they spread this over a number of years, his argument would fail; but this was a Bill to put the demand into the market at once. There was only one conceivable way of meeting the demand and increasing the quantity of sugar, if they did not let in the slave sugar, and that was to increase the quantity of free-grown sugar by the use of better machinery. There came his objections to the measure. It opened a market to slave-grown sugar, and there was to be no limit to the supply, as the African Slave Trade enabled them to go on to an unlimited extent. There had been no answer to this, nor any attempt at an answer. That detestable crime, as it had been called by Lord Denman, that incurable enormity, as it had been called by Mr. Pitt, the greatest practical evil with which the world ever had been visited—that Slave Trade which, with a thousand objections to it, with innumerable arguments against it, calculated as it was to harrow up every feeling of the human heart, was, it must be admitted, a powerful instrument of cultivation, an all powerful instrument for the increase of cultivation; for from that unhappy continent of Africa could be obtained just as many slaves as hogsheads of sugar were wanted; and to increase the produce of Brazil or of Cuba, it was necessary only to send so many additional slave ships to the African coast. There never was a greater fallacy than that the consumption of sugar did not necessarily imply an increase of the Slave Trade. It required several years to prepare land for sugar crops; it must be cleared, grubbed, fenced, and buildings must be erected. For these purposes, negroes must be put upon it, and in a few years there would be an increase of the quantity of sugar produced; consequently, the increase of negroes must be antecedent, four or five years, to the increase of sugar. Whoever held up his hand for the immediate increase of the supply of sugar, to the extent of 30,000 or 40,000 tons, might not intend it; but when his eyes were opened, and the matter had been explained and made manifest to him, and evidence was shown to the effect which could not be refuted, must see that he held up his hand not only for slavery, but for the extension of that most execrable crime, and that most revolting of crimes, the African Slave Trade. But he had been asked why he was so inconsistent in his humanity that he consented to take slave-grown cotton and coffee, and only excluded sugar? To this there were innumerable answers. Sugar was different from all other articles as regarded its produce, although he admitted the labour in the production of coffee within the tropics was most severe; but there was no comparison between the produce of sugar and that of cotton and coffee. A West Indian had told them that hedging, and ditching, and fencing in Yorkshire was nearly as hard work as putting in the sugar plants in the West Indies. Was there, he would ask, nothing in having to perform such work within a tropical climate, and was there nothing in the negroes having to work in gangs? Did this person really know how the negroes were worked in gangs—for that was one of the greatest enormities in the system? They were all worked in a line or row, and the young and the old, the strong and the weak, were obliged by the lash of the driver to keep up to the same quantity of work. He had thought that they all knew the curse which was entailed by the driving system, and he had never heard any one express a doubt as to the evil of it until that night. The argument was open also to half a dozen other of the most serious objections that could be urged. As it was truly said by the Lord Chief Justice, the question was cheap sugar, and that a great crime was to be perpetrated under the name of cheap sugar. They had then to deal with that article, and let them come if they pleased with a proposition for coffee and cotton to-morrow, and he should know how to deal with it. He found the coffee and cotton duties existing, and he had not then to deal with them.

The Marquess of LANSDOWNE: You altered the duty on foreign coffee.

Lord BROUGHAM denied that he had done so. He was not to be made responsible for everything that the House chose to do, but he was no party to anything of the kind. But assuming that no foreign coffee or cotton was admitted, and all of a sudden it was proposed for the first time to open the ports to foreign slave-grown cotton and coffee, he should be prepared to resist the proposition to the utmost. A small reduction of duty only tended gradually to increase the supply, and would place the question on a very different footing. But let him remind the House of the time when cotton was first largely imported into this country. It was in the quarter of the century between 1780 and 1806 that the great increase took place in the importation of cotton, for the spinning-jenny of Arkwright then came into operation. During that time not only slavery existed in the British Colonies, but this country carried on the Slave Trade. How was it possible to use that argument, when slavery was not abolished till 1833; and when the African Slave Trade, which was not abolished until 1807, still existed? There was not the shadow of a ground for saying that there was inconsistency in our now admitting sugar because we admitted cotton before we had abolished slavery. With regard to the internal Slave Trade in America, much as it was to be reprobated, there was no parallel whatever between it and the horrors of the middle passage. What thought they of a vessel of 110 tons loaded with 125 negroes, and twenty-five men to keep them down, and this mass of human beings compelled to cross the Atlantic in that confined space? What was the consequence? Why, that one-half of this wretched crew died on the passage. In the case of another vessel with 1,100 slaves on board, bound to Bahia, 600 of these unhappy human beings only were alive—if alive it could be called—when the vessel reached land. In another case, seventy-five negroes were on board a vessel which had been set fire to accidentally by a drunken crew. The crew escaped; but of the slaves, twenty-five who were on deck, not in irons, were drowned; while the other fifty, who were in irons below, were burned to death! With respect to the effect which our cruisers on the coast of Africa had had on the Slave Trade, he admitted that they had done more harm than good. One consequence of their presence there, had been that scenes the most hideous had been enacted on board the slave vessels off that coast—scenes too dreadful for tongue to describe, or imagination to conceive. Things unutterable — worse than fable ever feigned or fear conceived—had been enacted on board those miscreant vessels. In one case, half the slaves were thrown overboard in the course of the chase; and to conceal the fact from the chasing vessel, they were actually packed in barrels, and thus floated alive on the Atlantic. With such facts as these before him, was he to be called on to compare this form of the Slave Trade with the internal Slave Trade of the United States? But he had to quote a very high authority in support of his view: no less than that of Dr. Lushington, who, only a short time since, urged him (Lord Brougham) to press on their Lordships the withdrawal of our squadron on the coast of Africa, as utterly inconsistent with this Act for encouraging the Slave Trade. He (Lord Brougham) had long taken part in this question; he had deeply felt for the miseries of these unhappy beings, and had always lent his feeble voice and support to those who, with sincere heart and honest purpose, had been minded to put down or lessen the horrors of the traffic in slaves. It was as a question of the Slave Trade, and not of slavery, that he now regarded this question. He little thought, after having throughout his whole life laboured in the good cause—after seeing all the efforts that had been made by this country to put an end to the traffic—in 1806, in 1807, and in 1811, and again in that crowning effort, when this country paid so enormous an amount of money in the hope of effectually contributing to the abolition of the trade, by abolishing slavery in the West India Colonies—he little thought, after all those triumphs of the good cause, that now, in the year 1846, he would have been compelled to rise in his place in that House in order once more to denounce the African Slave Trade, and to complain that a liberal Government, the Government of a party deriving all their lustre from the name of Fox, should have been publicly guilty of the introduction of a measure such as this—a measure the introduction of which must be regarded as worse than the refusal for so many years to abolish slavery—worse than the refusal to emancipate the negroes, because it was the first instance, in the history of this question, and in our legislation upon it, of the attempt by a positive enactment actively, effectually, and vigorously, to encourage the African Slave Trade. Viewing it in that light he should record his vote against it.

Earl GREY said, he would not shrink from answering the speech of the noble and learned Lord. That noble and learned Lord had talked a long time, but had said very little. For three quarters of an hour had he spoken, but he had urged nothing like an answer to the arguments adduced by his noble Friend on that (the Ministerial) side of the House. He (Earl Grey) had heard the noble and learned Lord make some amusing jokes, and he had had some hits, as was his wont, at friends and foes; but for anything like connected reason to make out the case he had set up, he (Earl Grey) had listened in vain. The noble and learned Lord had not attempted to gainsay what was clearly established by his noble Friend (the Earl of Clarendon), that, commercially and financially, this measure was likely to be of great benefit to the country, producing to the revenue an increase of something like 500,000*l.* sterling, without imposing any fresh burden on the people, but on the contrary, reducing the taxation upon an article which had now become a necessary of life. Nor had he attempted to show that upon any principle of national morality or duty were they called upon to exclude slave sugar from our markets, or how this measure would encourage the Slave Trade. It was admitted that it was totally impossible to exclude all slave produce, such as coffee, cotton, copper, and tobacco. It was true that we had consumed these things for a long time; and, strangely enough, that was put forward as an argument for continuing to use them by the opponents of the present measure. It was only the novelty that shocked; that was a new principle in political ethics; for, according to the noble and learned Lord's argument, if they had been sinning for years they might go on sinning; so that if they had not already repealed a statute for burning heretics, they might burn them still. But the noble and learned Lord was not safe even upon that principle; because the duties upon the articles he had mentioned were reduced from a very high duty to the present ones in 1842. In coffee alone, in 1841, before that change, the quantity imported was 28,500,000 lb.; but in 1845, the duty having been reduced from 1*s.* 3*d.* to 6*d.*, the quantity imported was 21,800,000 lb. of British plantation coffee, and 13,500,000 lb. of foreign coffee almost exclusively slave-grown. What became then of the noble and learned Lord's principle that they should make no change? This measure was precisely the same in principle as those of 1841 and 1842, when his noble Friend opposite (Lord Stanley) was a member of the Cabinet. But said the noble and learned Lord, "Oh! I know nothing of that." Happy ignorance saved his consistency. The certain test of a principle was this—was it of general application? Could they draw from the immutable law of God any principle which was not universal? They had followed that principle in doing away with slavery—they had carried it out consistently. In this case there was a question of national duty involved. Would the noble Lords opposite consistently follow it? Until they could show that their rule admitted of no exception, they must fail in showing there was any such rule of national morality as the noble and learned Lord contended for. But, said the noble and learned Lord, whoever extended his hand in favour of this measure, aggravated—he wished he could remember one-tenth part of the words the noble and learned Lord made use of, but he believed the noble and learned Lord said, exacerbated—the Slave Trade. But that noble and learned Lord ought not to impute to honourable men motives, without looking carefully to what, if they were provoked—if they chose to be drawn into that quarrel, they might say—what he, indeed he (Earl Grey) himself might say of the noble and learned Lord. He would not be provoked to it; but, when the noble and learned Lord glorified himself so much for all he had done upon this subject, and pronounced such a glowing eulogium upon his services in the anti-slavery cause, extending over a period of forty years, he (Earl Grey) wished he had been good enough to account for one little fact—why that zeal, so ardent for so long a period, had just slumbered during that short time when it was particularly important he should have been lively and active? He meant the time when he held high office in His Majesty's Councils; and if his zeal had not slumbered then, it would have been very satisfactory to him (Earl Grey), and a great personal relief, if the noble and learned Lord, during the years 1831 and 1832, when the controversy of slavery ran so high, and the discussions were carried on with so much eagerness on both sides, had given a little more counsel and assistance and encouragement to his noble Friend under whom he (Earl Grey) then served in the Colonial Office, instead of leaving him to struggle on unassisted and uncounselled through difficulties of no ordinary character. But upon this subject he would not further dilate. He trusted that he had convinced their Lordships that there was no point of national morality involved in the maintenance of the present system of protection for colonial sugar. He himself utterly abhorred the Slave Trade; and he would not adopt any course that would tend to increase it; but he was bound to say he believed that, in passing this measure, so far from increasing the Slave Trade, it would be the most likely means of putting an end to it. France was just at this moment agitating the question of the abolition or non-abolition of slavery; and there could be little doubt but that if France gave up the pernicious system, slavery could not long survive in the Brazils, or anywhere else. And this was just the moment that the noble and learned Lord opposite (Lord Brougham) selected for propounding his doctrine that competition between slave and free-labour sugar was absurd, and totally out of the question. This was not the language which was held by the noble Lord in past years, nor was it the doctrine which had been advocated by Sir F. Buxton, Mr. Wilberforce, and the writers in the *Anti-Slavery Reporter*. They, one and all, contended that not only was the produce of free labour most consistent with justice and religion, but that it was also the cheapest and most beneficial for the consumer. In this proposition he (Earl Grey) most unreservedly concurred. He had ever held, and would ever hold, the opinion that free labour, if properly managed and encouraged, might enter any day into competition with slave labour. It was said that the system of protection was applied, because of the deficiency of population; but there was no such deficiency in the East Indies, and yet the system was to be applied there. Even with regard to the West Indian Colonies, he did not entertain such desponding views as his noble Friends opposite; but if there were this disproportion between population and territory, why had not that been considered by his noble Friend in 1833? One of the disappointments of the measure of that year was in the cheapness of produce, and he could not but attribute that to the erroneous mode in which that great change had been brought about. He had objected to the mode at the time, and he believed that a large majority of the gentlemen interested in the West Indies admitted that his predictions had been proved by experience to be true. But in spite of the errors which had been committed, and the difficulties still to be surmounted; he was hopeful that the difficulties which had heretofore existed to the practical working of the great emancipation plan, would be completely removed; and he was sure that the measure now under consideration would have the tendency of promoting that object. He was sure that if a wise and liberal course of legislation in reference to our magnificent West Indian Colonies were pursued by this country, that they might enter advantageously into competition with any other sugar-producing countries, whether worked by free or slave labour. This measure would enable them to do so, for it would call forth their latent energies, and give a new stimulus to their industry. The stimulus of even and fair competition was always attended with the most beneficial results. The West India planters did not participate in the feelings of terror or dread of impending evil which their friends in this country seemed to entertain. They had long been complaining of the state of uncertainty in which they were kept, not knowing what course of legislation would be pursued in their regard; but this was now at an end—the suspense was over, and already were they preparing themselves to enter into competition with the slave growers—they were buckling themselves to the task, and he had no doubt as to the result of the struggle. The lash might coerce the physical energies of the man in order to the accomplishment of a task; but there was no labour well or efficaciously or satisfactorily accomplished unless the heart was in the work—unless the workman was an intelligent and civilized being. It was freedom alone that would call forth the energies of man, and therefore it was absurd to suppose that the planters of slave estates would or could make use of improved processes. That it would be done, and was in the course of being done in Jamaica, was evident from the speech lately addressed to the House of Assembly in Jamaica by his noble Friend Lord Elgin. The process had already begun, and he had no doubt that in a few years it would be general—that the cultivation of estates would be leased to farmers, as in this country—that the farmers would raise the cane in Jamaica as farmers raised corn in England—that they would hand the cane over to manufacturers, as the farmers handed the corn over to the millers in this country, and by that division of labour the work would be better done, and greater employment diffused amongst the people. This change of system was impossible under slavery. He did not blame the West Indians for not having done more: they had inherited a vicious system under slavery, and it took a long time to make improvements; but they were in progress, although the so-called friends of the West Indians, like the "farmers' friends," had taught them to rely exclusively on protection and the supply of our market. He was asked what the Government measures were to be for giving facilities to the West Indies. With regard to the differential duties, the policy of the Government had been put to the West Indies on terms of perfect equality; and as their produce would receive no advantage in our markets, so in their markets we asked none for our produce. It was proposed to leave the change to the Colonies; but if, on examination, a different mode could be approved, he saw no reason why it should not be adopted. It was feared that if the Legislature here proceeded at once by Act of Parliament to abolish all imperial duties, financial embarrassment might be created in some of the Colonies, and that was the only reason for the suggested mode of proceeding; but he was sure his noble Friend would have no objection to take into consideration any other mode which could be pointed out to him of carrying out the object they had in view.

Lord ASHBURTON asked, whether the change was to include shipping?

Earl GREY replied, that was a question under the navigation laws, and rested on grounds totally different from protection; it was a difficult subject, and ought to be reserved for a separate discussion. Then, with respect to the immigration of labourers, it was asked whether it was to be allowed to send ships to any part of Africa, and obtain labourers: that was not intended, though it would be a great improvement if they could; but it was open to objections which he did not see his way to get over. If it could be accomplished, he would like to see an increased intercourse between Africa and our own Colonies; and if means could be pointed out which would be free from abuse, the Kroomen might go to our Colonies during the cane harvests, as the Irish labourers came to this country for the corn harvests, with great advantage to the prosperity of the Colonies and to the civilization of Africa. It was not, therefore, proposed to give facilities of that kind: all that was proposed was to extend what had been done by his noble Friend, and to allow immigration from our own settlements on the coast of Africa and from India, and contracts to be entered into for service for a year.

Lord STANLEY asked, whether the immigrations were to be undertaken by the Colonies at large, or by individuals? For now the Colonies undertook it, and the labourers were under no obligation to go to one individual more than another.

Earl GREY said, that the restriction was only under the colonial law; and what was proposed was to give the Colonies the power to make regulations within certain limits. He should say that it would be highly inexpedient to permit any of those contracts, unless in cases where the expense of importing the labourers was paid by the Colony at large. That question, however, was one which ought rather to be considered by the colonial authorities than by Her Majesty's Government at home. He should not further trespass upon the indulgence of the House; but he could not sit down without repudiating the idea that he should ever have been induced to recommend such a measure as the present, if he thought that the effect of it would be to increase the evils of slavery. On the contrary, his settled opinion was that it would lead to the extinction of slavery in no very great number of years.

Lord BROUGHAM said, he understood what the noble Earl had been, with his wonted courtesy and accuracy, pleased to say as to his opinion on the question being of no weight with any man, woman, or child in the country, including of course, ill-conditioned cross-grained, ill-tempered, spoilt children. For a proof of his knowledge on this point, he (Lord Brougham) needed only refer him to what all persons—men and women, he knew less as to children, in the country—well knew, that the Anti-slavery party had applied to him to head their petition and remonstrance against this Bill for encouraging the Slave Trade, and that he had refused to sign before T. Clarkson, and had reserved his protest for this place; but it was not the less true that the body had desired to place themselves under his lead on the occasion, and that was known because the correspondence was published in all the papers, with the remonstrance. They had also begged him to present their petition against the Bill; and he had done so, as every one but the noble Earl knew. As for the noble Lord's charge against him, that he had neglected the anti-slavery cause while in office, he thought every one might have known that he had brought forward nothing during the years 1830 and 1831: the whole time of the Government had, during these years, been necessarily occupied with the Reform Bills, and to think of moving on slavery would have been too absurd an idea to enter any man's mind; and as for the next year—the first vacant time—so far from refusing his help, he (Lord Brougham), as all their Lordships well knew, and as the noble Earl then in office under Lord Ripon might have known, took the whole charge of the Emancipation measure, and did so even from the first, owing to an accident that happened to Lord Ripon in opening it.

LORD ASHBURTON wished to put a question to the noble Earl. At present the produce of the mother country enjoyed a certain preference in the Colonies. Now the change to be made in that was so new, that it became necessary the public at large should be made acquainted with the intentions of Her Majesty's Government upon that subject. He wished to know whether such a scheme was now to be submitted to Parliament, or whether it was the intention of the noble Earl to issue instructions to the Governors of Colonies, with the view of having such matters settled by the Assemblies of each Colony respectively, and the acts of these Legislatures sent home to receive the approbation of the Crown. It appeared to him very important that the country should understand how this was to be.

EARL GREY was astonished that the noble Lord should have thought it necessary to put any such question. The differential duties were imposed by the authority of Parliament, and by the authority of Parliament alone could they be altered or abrogated.

LORD STANLEY observed, that an Act had recently been passed which laid down this rule that the colonial authorities, subject to certain limits, might impose such duties as they thought proper upon the import of goods the produce of the mother country; but the Act further proceeded to declare that if in any case they altered the duties payable upon foreign goods, they should be bound to make a corresponding alteration in the duties affecting British produce. Now, he wished to know from his noble Friend whether he intended to propose that every Colony should be allowed to impose upon imports such duties as the Legislature of that Colony thought fit, and thus that various duties should prevail amongst the several British Colonies — that the differential duties should vary indefinitely. It was now the 10th of August, and they were told that Government had not yet made up their minds as to the course that they should pursue with reference to this matter. He conceived that it would be highly disadvantageous if there were to be varying rates of duty—if, for example, Antigua imposed one rate of duty, and Jamaica another.

EARL GREY begged to assure his noble Friend that Her Majesty's Government had fully made up their minds upon the subject, and that the substance of a Bill had been agreed upon. If the objections taken to the course proposed by the Government were well founded, they would be quite ready to carry any other better mode into effect that might be submitted to them; but in so far as their object was to have the Colonies as much freed from restrictions on trade as the mother country, that was fully and entirely agreed upon.

LORD STANLEY asked, if it was the intention of Government to allow one Colony to abolish differential duties, while another was to be permitted to retain those duties: for example, were they ready to permit one system to prevail in Jamaica, while another existed in Barbadoes or any other Colony? If so, how would such a system operate?

LORD DENMAN explained, that his belief was, that free labour would in the long run beat slave labour; but he objected to the measure in so far as it would give a stimulus to slave labour, as matters now stood. It had not been stated in the course of the evening whether our cruisers were to be continued on the coast of Africa or not. [Earl GREY: Of course they will.] He was happy to hear it. He must say, in addition, that if the principle of free trade was applied to this question of slave-grown labour, he did not see how they would be able to give a right answer to their own subjects on the morality of the question. If they allowed the Brazilian slaveholder to introduce his slave labour, how in justice could they refuse the same right to an English subject?

LORD STANLEY again begged to put the question to the noble Earl (Earl Grey), how any system would work well which permitted one Colony to abolish the differential duties on foreign or home-made goods, while other Colonies retained them.

Earl GREY replied, that in North America that very state of things existed, and little or no inconvenience arose from it.

Bill read 1ª.

House adjourned.

The following Protest against the First Reading of the Sugar Duties Bill was entered on the Journals:—

Dissentient,

1. Because the importation into the United Kingdom of Sugar, which is produced by the labour of slaves, tends to promote the Slave Trade, with all its atrocities, and is quite inconsistent with the principle upon which this country has so long acted, and for which it has made, and still continues to make, enormous sacrifices.

2. Because there is no reason to apprehend a deficiency in the supply of sugar from other sources, as the quantity which is produced in the East Indies and in other British possessions is rapidly increasing, which would also be the case with the British Colonies in the West Indies if they received due protection and encouragement.

3. Because the proposed measure would be most unjust to those Colonies, and would be ruinous to their interests, which have already been grievously injured by reducing the price of their produce without a corresponding reduction of the taxation to which it is subject, and by the want of sufficient labourers for their cultivation.

4. Because the consequences of the proposed measure might be very calamitous, and might occasion such distress and discontent as would ultimately lead to the separation of those very important Colonies, which, when deprived of the protection that is justly due to them, might also lose their allegiance.

Stanhope.
Lovell and Holland.
Gage.
Denman, for the first reason.
S. Oxon, for the first reason.

Aug. 10, 1846.

HOUSE OF COMMONS,

Monday, August 10, 1846.

Minutes.] New Member Sworn. For Chester, Lord Robert Grosvenor.

Public Bills.—1º· Public Works; Fisheries, &c.; Public Works (Ireland) (No. 2); County Works Presentments (Ireland) (No. 2); Marriages (Ireland).

2º· Arms (Ireland); Lunatic Asylums (Ireland); Turnpike Roads (Ireland); Commons Inclosure (No. 3).

Reported. Drainage of Lands.

3º· and passed. Forms (Assessed Taxes); Militia Pay.

Petitions Presented. By Mr. Chancellor of the Exchequer, from Bible Christians residing at Highway, in the Parish of Tywardreate, from Wesleyan Association Methodists residing at St. Blazey, and from Members of the Wesleyan Methodist Congregations of Tywardreath and Saint Blazey, for the Adoption of Measures for promoting the Due Observance of the Lord's Day.—By Viscount Clive, from Inhabitants of the Borough of Ruthin, in favour of the St. Asaph and Bangor and Manchester Dioceses Bill.—By Mr. Chancellor of the Exchequer, from Inhabitants of the Borough of Halifax and the Neighbourhood thereof, for Repeal of Duty on Fire Insurance.—By Colonel Wood, from Westminster, respecting the Employment and Reformation of Discharged Prisoners.—By Colonel Wood, from Justices of the Peace for the County of Middlesex, respecting the Reformation of Juvenile Offenders.—By Colonel Wood, from John Blunden, and others, for a Superannuation Fund to Poor Law Officers.—By Mr. Williams, from Thomas Bulkeley, for Commutation of Sentence upon James Sayer.

PRIVATE BUSINESS.

Mr. HUME rose to move the Resolutions of which he had given notice relative to the mode of transacting Private Business. It was impossible that the present system could be allowed to continue for another year. The Committee appointed last year agreed to certain recommendations; and it was to carry out their suggestions that he had prepared the Resolutions which he now submitted. During the last Session no less than fifty Members were employed in taking proof that the Standing Orders had been complied with. He proposed that a tribunal should be appointed, before which that should be for the future proved. The Committee suggested that to save expense the Standing Orders for Scotch Bills should be proved in Edinburgh, and for Irish Bills in Dublin; but by the Resolutions he should move, this would be left with the Speaker in each case to determine. He did not propose to remove from the House any portion of the control which it now had over the proof of Standing Orders; but by the plan proposed, the attendance of a number of individuals would be dispensed with. In one case as many as 200 witnesses had been in attendance, some of them fourteen days or three weeks, at an expense of 10,000*l.*; while by the plan the Committee suggested, little expense would be incurred at this stage of a private Bill. At present the private Bills now in operation for the good of towns, varied in every town; and there were often several in the same town with powers clashing with each other. He proposed that on proof of the necessity of a Bill to effect improvements, commissioners should be sent down to make inquiry, on whose report a model Bill should be adopted, without coming to Parliament at all. Many private Bills would be in this way taken out of the hands of Parliament. From the period of the Union to the present time, the number of private Bills amounted to 9,400, while the number of public Bills was only 5,300. The private Bills were introduced by interested parties, and they were opposed also by parties interested, so that it was difficult for Committees to know, on the representations made to them, what was really best for a town. Undoubtedly if the Committees had been properly informed upon this point, many Bills would never have been passed. As a means of remedying the evils arising from this cause, he proposed that every private Bill brought in should be under the responsibility of some public department, which might send down a commissioner to inquire into the real circumstances of the case, and to report thereon to the Board of Trade or the Woods and Forests, as the case might be. As every department was responsible for the public Bills which came under them, so he proposed to make them equally responsible for all private Bills, which were often of equal public importance. No evil could arise from a trial of the Resolutions he proposed; and he hoped there would be no objection to them. There was another point of some importance. Every Bill at present had to pass the Standing Orders' Committee of both Houses; but it would be sufficient, he thought, to have one proof of the Standing Orders; and he hoped that arrangements might be made with the other House, so that one proof of the Standing Orders for both Houses might suffice. This would save great expense to parties. The Report of the Committee also suggested the consolidation of the various police and private Bills relating to the same towns. There were at present no less than sixty private Bills in operation in the town of Liverpool alone, many of them at variance with each other. The hon. Member concluded by moving a series of Resolutions, which were agreed to.

NAVIGATION OF THE SHANNON.

Mr. FRENCH wished to put a question which he would be happy to hear satisfactorily answered by the hon. Gentleman before him (Mr. Parker). In 1838 an Act passed for the improvement of the navigation of the Shannon, and certain plans were agreed upon, power being given to the Commissioners to execute the works according to those plans. It had been alleged, however, that without any authority the Commissioners had departed from those plans, to the great injury of a proprietor, whase property would be materially affected. He was authorized to state, that though the Commissioners were aware that a petition was before the Treasury, complaining of this departure, yet they were suffering the preparations for the work to go on. Now, his question was this—had the hon. Gentleman any objection to send orders to the Commissioners not to commence that work till a decision had been come to by the Treasury as to whether or not it should be executed?

Mr. PARKER said, this matter had not come before him, and therefore he was not prepared to give a satisfactory answer to the hon. Gentleman. There could be no doubt, however, the Treasury would endeavour to come to a fair and reasonable conclusion.

MILBANK PRISON.

On the Motion, that the Order of the Day for the Committee of Supply be now read,

Mr. T. DUNCOMBE regretted that he should be called upon to refer again to the very painful subject of the abuses and cruelties which existed in Milbank Prison; but the fault was not his. Had the Government acceded to the Motion he formerly made, for inquiry by means of a Committee of that House, the truth would by this time have been ascertained; and any further reference to the question would have been avoided. He maintained that, on that occasion, he had made out sufficient ground for Parliamentary inquiry, and protested against the doctrine then laid down, that the Members of that House should be contented with a report furnished by parties interested. He had presented a petition from a person who had been a warder in the prison, and against whose character not a word had been breathed; and he offered to prove before a Committee the allegations contained in that petition. He made a Motion in support of Baker's petition, and also brought forward fresh charges against the authorities of the prison; and the Government, in consequence of these new charges, sought for fresh information from the parties accused. And how was this done? They sent a copy of his speech cut out from *The Times* paper to those prison authorities; and they asked fresh answers to that speech; but he maintained that that speech, before being sent, ought to have been authenticated by him; for though it was in the main and substantially correct, the report of a speech was not the kind of document that ought to have been sent in such circumstances. A boy, named Nash, was stated to have been placed for twenty-one days on bread and water, instead of another individual; and these prison authorities, in their second reply, took advantage of this trifling circumstance to deny the statement altogether. On seeing the report from that person, Baker presented another petition to the House, in which he stated that the report was altogether untrue, and the truth suppressed, and reasserting the charges contained in his first petition. Thus the case became more and more complicated. Fresh matter was brought forward, and fresh replies demanded; but could any thing be more irregular or unsatisfactory than such a contest as this betwixt statements made in that House, and answers from these prison authorities in return? He had to complain that the House had not been put in possession of all the reports drawn up on this subject. A supplementary report had been promised, but not yet given to the House; and he should like to see that report of the 30th July which had been suppressed. He denied that the authorities of Milbank prison were the parties who should have been called on to report on such a matter as this; but when they were asked to do so, if they wished to get at the truth, they should have had the petitioner (Baker) before them. They had not, however; but after they had laid two reports before the Home Office, they wrote to Baker, asking him to appear and support the allegation contained in his petition. Now, he wished to know why they did not do this before they made their general report in July? In reply Baker stated, that had the information now sought by the inspectors been sought before the report was drawn up, he should willingly have given it; but that, under the circumstances, he would petition a second time the House of Commons to impugn the truth of that report. These parties asked this man, after they had made out their report, and prejudged the case, to appear and support his allegations; and he refused. It was clear that this case could not be allowed to remain as it was; and it had, in fact, now become a much graver case than when he first brought it forward. With regard to the illegal cats used, it had been said that this was the first time they were used; but the governor, in the second report, virtually admitted that to some extent his statement on that subject was correct, when he gave the account of the flogging of Bunyan and Cotterell. It was but justice to the governor to state that he said he had no vindictive feeling towards the man Bunyan, and that his was rather a case for a criminal court than for punishment in the prison. In fact, the inspectors went beyond the law in the punishment of this man. His case was provided for by Act of Parliament; if brought before a court he was liable to two years' longer imprisonment; and the inspectors had no business to consider whether he ought to have two years more confinement or not. They took the case into their own hands, however, and inflicted punishment on the poor man by flogging. They had heard a great deal about flogging in the army; but it was a mere joke compared with that inflicted in this prison. A pattern of the cat had been sent to the right hon. Gentleman the Secretary of State; he also had received a pattern, and he must say that a more cruel instrument never was invented than that which was used for the punishment of Bunyan and Cotterell. [The hon. Gentleman exhibited the waxed cord lash used at Milbank prison, and the lash used by the Guards, which he represented as much lighter than the former.] It was stated that seventy lashes had only been inflicted on Bunyan; but those who saw the punishment stated that a more painful and cruel punishment never took place in the army; that the blood was streaming over the waistbands of these two men. Cotterell received sixty lashes for the same description of offence as that committed by Bunyan. This man had been a soldier, and had, when in the army, received 120 lashes; but that punishment, he said, was a joke compared to what he got at Milbank. Instead of being carried to the infirmary, the man was taken to his cell. Dr. Bailey stated that his injuries did not require infirmary treatment. Anything more cruel could hardly have been. This man's back was in so dreadful a state that he could not move his arm, and for twenty-three days others were compelled to make his bed for him. If the man had died, a heavy responsibility would have fallen on the surgeons and the governor of the prison for the manner in which he had been treated. Baker, in his second petition, referred to that, and he also pointed out the manner in which the governor, in his statement, evaded the question respecting the three boys who were condemned to bread and water for seven days, for having looked into their bibles during divine service. That, the chaplain himself had admitted, was rather a severe punishment; and the governor admitted that they were sentenced to this fare for seven days. Then with respect to the suicides, it appeared that four men had succeeded in committing self-destruction, and sixteen others had made the attempt, all in the short space of three years. It was remarkable that nothing of the sort had occurred during the twenty-three years preceding, during which the Penitentiary had been established, although during that period persons were confined there for from three to five years. That result the petitioner attributed to the cruel conduct of the governor. But then, said the governor, these men were only the exceptions, and they alone have committed suicide out of the tens of thousands of prisoners who have passed through the prison; and that these prisoners, being about to be transported, had a motive for doing so. He thought that this was a prison for the amelioration of the criminals who were sent there. The suicides were above the average of the whole population, although there were no facilities for self-destruction in the prison, and although the prisoners were constantly watched. He contended, then, that the very great disproportion of suicides in the prison, showed the deficiency of the regulations of the prison, or the faults of its management. He believed that these prisoners were driven to self-destruction by the treatment they received in this prison. Prisoners had over and over again stated they preferred transportation for seven years, to a year in this prison. In fact, it was clear to him that the system of punishment must be defective; it ought not to be a system of torture from day to day. Another allegation of the petitioner was, that, in consequence of the treatment of the prisoners, several of them had been removed to the hulks at Woolwich in a sick state, and that there a great proportion of them had died since. Why was this? To evade the necessity of a coroner's inquest in the event of their dying in the prison. Could anything be more disgraceful in the conduct and management of a prison? He believed the charge to be true. He had received information that three individuals had been removed from this prison to the hulks at Woolwich in a dying state, within the last month; and that it was necessary on the journey to give them brandy and water to keep soul and body together. Dr. Bailey denied this; but the fact was, that nearly 300 sick prisoners had been removed, since this time three years ago, to the hulks at Woolwich, sixty of whom were in a state unfit for removal, and forty-eight had died. These persons were carried in cots to the ships, while the other convicts were at dinner, in order that no one might see them. Yet Dr. Bailey denied that persons in a sick state had been removed from Milbank to the hulks. In future, he hoped that coroners would do their duty with respect to inquests in prisons. At present they were a mere mockery, and the verdicts merely stated that the person died of such a disease—the disease, no doubt, of which he really did die; but the inquiry never went into the causes that brought on the disease. The petitioner asked for inquiry on this point, and into the removal of prisoners from Milbank, in order to prevent exposure of what was going on in that prison. Then there was a statement in the petition relative to the irregular conduct of the governor; that during the last year there were fifty-one reports against the governor for irregularity in his conduct in the prison. Why had not the inspectors reported that to the Secretary of State? for surely it was the duty of the governor of the prison to set an example to the officers under him of sobriety, regularity, and good conduct. The petitioner stated that he was prepared to prove this charge of irregularity against the governor. Now, he thought that if he had not made out a case on the former day on which he entered on this subject, he had made out a pretty good one on that occasion. He did not know what the House or the present Government might require to justify them in granting an inquiry; but he said that this prison as at present conducted was a disgrace to the country, a disgrace to the Government, and a disgrace to the persons put in authority over it. The inspectors had declared their conviction that the result of the inquiry they had made would be most satisfactory to the right hon. Baronet (Sir G. Grey); but they added a suggestion that if he should be of opinion that any point was left unanswered, then he should, under the powers given by the 5 and 6 William IV., appoint a commission to inquire. But the fact was that no such powers of appointing a commission were given to the Secretary of State by the 5 and 6 William IV. Independently of the statute, the high officers of State had power to investigate the condition of the Queen's prisons at the pleasure of the Crown; the mode of inquiry which the parties criminated in charges of this nature dreaded ten times more than any investigation under a commission, was an inquiry before a Committee of the House of Commons; and he believed, that if the inquiry was conducted within the walls of the prison, the subordinates would not dare to speak the truth, as they would before a Committee of the House of Commons. Parties charged dreaded a Committee of the House of Commons. With respect to the management of Somerset House, they had had inquiries; but were not all the complaints that had given rise to those inquiries glossed over? At length, however, a Committee of the House of Commons had penetrated the walls of Somerset House, and they saw what were the results of that. So with respect to the Milbank Prison; an investigation by a Committee would, no doubt, be effectual. He would undertake to say, that if they would give him five or six Members as a Committee, he would prove the allegations of the petition, and conclude the inquiry satisfactorily in a very few days. He must say, he did hope that the Government would allow a Committee to enter on the subject. If the inquiry was to be by a commission in the prison, such was the fear of losing their situations on the part of the subordinates, that the object of the inquiry would be frustrated; but by a Committee of seven he would prove the allegations of the petition, and show that it was impossible that the present system of management could be maintained. The hon. Gentleman concluded by moving as an Amendment—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'a Select Committee be appointed, to inquire into the treatment of Prisoners confined since October 1843, in the Milbank Prison, as well as into the conduct of the Governor and Officers thereof; and to report their opinion, with the evidence, to the House.'"

Mr. WILLIAMS seconded the Motion. He hoped that the Secretary of State would not refuse the Committee, for he thought that such evidence had already been brought forward as called for inquiry; which would be much more satisfactorily conducted by a Committee of the House than by a commission. The cruelties practised in the prison drove the prisoners to suicide; and he said that no country professing Christianity ought to allow such cruelties to exist. The inspectors had not done their duty. Their appointment was new; they were a great cost to the public; they were appointed because the system before their appointment had not been satisfactory. Yet now abuses came to light of a graver character than had been known before. He trusted the right hon. Baronet (Sir G. Grey) would grant a Committee; for though it was late in the Session, there was enough time to prosecute an effectual inquiry, so as to satisfy the mind of the House and of the public.

Sir G. GREY was desirous, before he stated the course he meant to pursue on this occasion, to explain shortly what he had said on the former occasion respecting a supplementary report of the inspectors. He then stated that he had received a supplementary report, but he had not said that he wished for further information; what he did say was, that the inspectors wished to add something to the report, and that until that was done he could not consider it a final report. But all the alteration that was made by the inspectors was to substitute a letter dated the 3rd of August for a letter dated the 30th of July; that letter of the 3rd of August containing all that the letter of the 30th of July contained. The report, as it now stood, comprised all that was in the report of the 30th of July. He assured the House and his hon. Friend that not one portion of that report had been withdrawn; nothing relating to corporal punishment had been withheld. He had said in his place on the former occasion, that nothing should be withheld, and nothing had been withheld. With his hon. Friend, he certainly thought that it was most unseemly that these charges respecting this prison should be made and met in the House of Commons as they had been; but he might be allowed to recall to the recollection of the House how the facts stood as regarded himself. The original petition of Mr. Baker had been presented on the 15th of July; it had then been printed with the Votes, and transmitted by his predecessor in office to the inspectors of prisons, with the request that they would give the allegations a full and searching investigation. When he received the seals of office, it was impossible for him, in two or three days, to make himself acquainted with the state in which the business of the Office was, and he was not aware that this investigation had been ordered. His hon. Friend then placed on the books a notice to move for a Committee of Inquiry. He upon that called for information, and he was then told of the report of the inspectors, and he had only had a short time to make himself aware of the facts of that report before his hon. Friend made his statement to the

House; and he therefore asked the House then, and he did not regret doing so, to suspend their judgment till the report of the inspectors was regularly before them. He then required that the inspectors should renew their inquiry, and investigate the additional allegations that had been brought forward by his hon. Friend. They had done so; but now there came a new petition from Mr. Baker, containing allegations which were of a character that he was ready to admit, if true (though he did not admit they were true)—especially as his hon. Friend, in his place in Parliament, pledged his belief of the truth of them—rendered it indispensable that further inquiry should take place. The governor of the prison had sent him a letter, in which he stated that he was most anxious that these charges should be investigated by parties not liable to the charge of partiality; and he felt that the inspectors might be considered as not being sufficiently free from bias to be impartial, and he therefore begged that other persons might be appointed to conduct the investigation. He thought an investigation was indispensable, and without expressing an opinion whether these charges could be substantiated, he would only say that he should be very much surprised if they were substantiated. That was his impression from the information that had reached him. But he felt that inquiry was necessary, and he was desirous that a most full and searching inquiry should be instituted. For this purpose, not under the clause of the Act of Parliament to which the hon. Gentleman had referred, and in his construction of which he entirely agreed, but under the general powers exercised by the Crown, he intended to appoint a commission with powers to take evidence upon oath, and to examine in the fullest manner into the whole management of the prison, and into every charge that had been brought against the governor and the other officers of the prison—which commission would give every opportunity to Baker to substantiate his charges, and bring forward any evidence he pleased. In fact, the draught of that commission was already prepared; and he could not help thinking that such an inquiry would be much more satisfactory—the commission having the fullest powers to inquire upon oath—than an inquiry before a Committee of that House, who had no power to examine on oath, and whose inquiry, at this late period of the Session, would necessarily be a very hurried one. He should at this time abstain from noticing the charges which had been made against the officers of the prison, as he wished to give no opinion upon them, except the general charge of irregularity of conduct on the part of the governor. He could only say that when first he heard these charges preferred, he felt it his duty to ask his predecessor (to whom such matters ought to have been reported if they had occurred) if he had ever heard any imputations of the kind against the governor; and Sir J. Graham told him that he had not. He then applied to the inspectors of prisons (whose duty it was to have reported such matters to the Secretary of State) if they had heard any such imputations, and they said they never had. He could only say, then, that so far from such charges having been established, the result of the inquiry which he had hitherto made was that they rested upon no solid foundation whatever. With respect to the charge that corporal punishment had been inflicted upon one of the prisoners contrary to the powers contained in the Act of Parliament, he having consulted what he considered to be competent legal authority, was assured that the Act referred to did not take away the powers invested in inspectors of prisons under the General Prisons Act of inflicting corporal punishment in a summary manner if they thought fit. At the same time, his attention having been called to the subject of corporal punishment, he had felt it his duty to address a letter to the inspectors of prisons, with a view of placing the exercise of that power, which in certain circumstances might be indispensable in that prison, under what he conceived to be better regulations. He trusted that, under these circumstances, the hon. Gentleman would be satisfied with what he proposed.

Mr. DUNCOMBE said, that after what the right hon. Baronet had stated, he would withdraw his Motion, trusting entirely to the right hon. Baronet to conduct the investigation in the best way he thought fit; reserving to himself, however, if the inquiry should not be carried on in a fair and open manner, the liberty to move in next Session of Parliament for a Committee of that House to inquire into the charges, as well as into the way the commission had exercised their powers.

Amendment withdrawn.

Main question again put.

THE BOARD OF ORDNANCE.

Mr. HUME moved the Amendment of which he had given notice, viz.,

> "That a Select Committee be appointed to inquire into the Conduct of the Board of Ordnance, in their refusing to inquire into alleged malversation of the Public Stores by officers of that department, and into the cause and manner of dismissal of Daniel Toner, a pensioner, for good service in the Artillery, from Her Majesty's service, without allowing the said Daniel Toner to be present at the court of inquiry, or to be heard in his own defence."

He feared it was now too late in the Session to have the inquiry carried out by a Committee of that House; but he should shortly state the facts of the case, and if the heads of the Ordnance department would say that they were prepared to order an inquiry, he would withdraw his Motion. The petition from Daniel Toner, upon which he founded his Motion, was presented to the House on the 24th of June last. The case was first brought under his notice in the month of March, and upon asking what the man Toner complained of, he found that he principally complained of having been dismissed from his employment by a court of inquiry which had never called him before them. He thought this a very great hardship; and he asked Toner for certificates of his character. The most satisfactory references were accordingly produced. The petitioner stated, that in the month of April, 1845, being then employed as a labourer in the storekeeper's department of Her Majesty's Royal Arsenal, at Woolwich, he saw a misapplication of the public stores, which he thought it his duty to report to his superiors; that a court of inquiry was instituted, which affirmed the charges to a certain degree; and that the party implicated was dismissed the service, and made to pay back the sum of 214*l.* The petitioner further complained that from the moment this took place, he was subjected to a series of annoyances by persons in the Royal Arsenal, who wished to get rid of him, and that at last a charge was preferred against him by a clerk in the storekeeper's department named Read, for refusing to take off his hat to him in the pay office—the petitioner's excuse being, that there was no general order to do it, that they did not do it, and that he did not see why he should be singled out. Mr. Read then complained to the general officer, who reported the case to the Board; and from the hour he received a communication from the Board on the subject, Toner always took off his hat to Mr. Read, and never offended again. But the case did not end here. A court of inquiry was instituted, of which he was sorry to see Lord Bloomfield and Colonel Berney were members; and, contrary to all rules of justice, they never called Toner before them, though he would have been able to prove most satisfactorily that from the hour the order had been issued he had obeyed it. The court of inquiry, in these circumstances, recommended Toner to be discharged, and their recommendation having been sent to London, to the Inspector General of the Ordnance, it was ultimately carried out. So that here was an individual who ought to have been protected—because he was the means of pointing out a case of malversation in the stores—turned out of the service, merely on an alleged trumped-up charge that he would not take off his hat to a certain officer, although, up to that time, no one had been asked to take off his hat to him, nor had any other person been asked since. From information which he (Mr. Hume) had received, he suspected that that department of the service was not in the condition it ought to be, as the following correspondence between Toner and one of the officers of the department would indicate:—

> "6, Red Lion Street, Woolwich,
> January 28, 1846.
>
> "Sir—Notwithstanding the shameful treatment I received while in the Royal Arsenal, I am not desirous of withholding any information that may prove of service to you or to the public service in general; I, therefore, am ready to furnish you with such information as will lead to a satisfactory account of the nineteen brass guns, and thereby prevent you being called upon to pay for them.—I am, Sir, your humble servant,
>
> "Daniel Toner.
>
> "Mr. J. Cheetham, Ordnance Storekeeper,
> Royal Arsenal, Woolwich."

Toner delivered this letter personally to the storekeeper on the 28th of January, which letter Mr. Cheetham returned back to him on the 2nd of February, with the following memorandum on the back:—

> "Memorandum.—Having consulted with the officers of the department, and others with whom I have acted, on the late inquiry relative to the loss of the brass howitzers, I am to inform you that, unless you are prepared to bring forward the names of the individuals who were concerned in that robbery, so that the ends of justice may be answered, it will be in vain to attempt what you propose in the foregoing letter, which I return; and if you have any further communication to make, it must be addressed to the Secretary to the Board of Ordnance, who alone can decide on the proper course to be taken. J. Cheetham,
> Royal Arsenal, Jan. 29.
>
> "To Daniel Toner,
> 6, Red Lion Street, Woolwich."

There was surely culpability somewhere when an inquiry into this alleged malversation of public stores was absolutely refused. He had also received a letter from another person in the employment of the Board of Ordnance, stating that two-thirds of his time was spent, not on public duty, but in attending to the clerks and other parties in the department. The hon. Member concluded by submitting his Motion.

Colonel PEEL was sure, after the speech of the hon. Member who had just sat down, the House would do him the justice, as a Member of the late Board of Ordnance, to listen to the answer which he had to give to the charges which had been brought forward. The Motion contained two allegations—first, that the Board of Ordnance had refused an inquiry into an alleged malversation of stores; and second, that they had dismissed Toner from the service. He would take the charges in the order in which they were stated. Now, he denied that the Board of Ordnance had shown any indisposition to inquire into the charges. On the contrary, a committee was appointed, before whom Toner appeared as prosecutor, and cross-examined all the witnesses. He admitted that the proceedings of the committee were most fair. The result was, that Mr. Jones was found to have committed some irregularities, and he was dismissed. Toner, it appeared, had been in the habit for two years of making notes of what occurred in the yard, with a view to subsequent complaints and charges, and on the occasion of this inquiry he was distinctly asked whether he had any other charges to make? His answer, in writing, was, that he had not. The hon. Member, however, complained that Toner was subsequently dismissed under an order of which he had never heard. Now, it appeared that Mr. Read, a civil officer in the dockyard, having had reason to complain of disrespect on the part of the labourers when they came to be paid, issued an order that they should come into his office uncovered. Toner complained of this as a piece of presumption, and he was the only person who did not comply with the order. Mr. Read referred the matter to the Master General, whose answer was, that the order must be obeyed by Toner, as well as by the other men. This minute of the Master General was communicated to the workmen, but Toner still did not observe the order. Lord Bloomfield and Colonel Berney then investigated the case, and ordered Toney to be suspended. On the facts being reported to the Master General, he ordered that Toner should be dismissed. Toner's own statement subsequently was, that he obeyed, but remonstrated with Mr. Read for requiring such homage from the men. The truth of the case was, that Toner, in consequence of his having been useful in leading to the first discoveries, assumed a position in the dockyard which was quite incompatible with the maintenance of discipline, and it became absolutely necessary to make an example of him.

Colonel FOX said, the present Board of Ordnance were fully of opinion that Toner had been very properly dismissed in consequence of his having been excessively insolent and disrespectful to his superior officer.

Mr. HUME withdrew his Motion.

MILITARY PENSIONS.

Order on the Question, that the Speaker do now leave the chair, read.

Captain LAYARD said, that he trusted it had not escaped the recollection of the House that within a short period he had presented four petitions from the out-pensioners of Chelsea Hospital, praying the House to take into consideration that which they stated they considered a great hardship, and in which he fully agreed, that 5 per cent should be stopped from their pensions, particularly as such stoppages were not made either from the marines or sailors. And why the soldier should be stopped and the others not, to him was unaccountable; not that he wished that 5 per cent be stopped from the marines and sailors—far from it. What he desired was that no stoppage should be made from any; and actuated by that desire, in the justice of which all whom he had consulted upon the subject entirely agreed, he determined to bring the matter under discussion. Now, of these petitions, two had been printed by order of the House. The petitioners state "that it is a heavy loss to them, that one-twentieth of their pensions gained in fighting the battles of our common country, and thereby increasing its immense power and riches, should be stopped." They likewise state that, in adverting to the common principle that now prevails in advancing or lending money, "they conceive 5 per cent monthly an exorbitant tax; and that the continuance of it must be owing simply to the matter never having been brought under the notice of your honourable House." Now, the Act by which this deduction was authorized was the 27th Geo. II., and was entitled, "An Act for the Relief of the Out-pensioners of the Royal Hospital of Chelsea." Now, this Act was passed to alter the old system of paying pensioners, than which nothing could be worse. At that time (1754) the pensioners received their pensions in the following manner — namely, the payment of a year's pension only after the same was become due; and which, as the Act recites, exposed them to great hardships and distresses, making them take money up for present subsistence, on credit, of persons called money lenders, on terms frequently oppressive and usurious. The Act then goes on to state, that to prevent this bad system the pensioners shall be paid six months in advance. Now, in Clause 7, it states, "that the treasurer of Chelsea Hospital shall and may withhold and deduct one shilling in the pound from all moneys so paid to out-pensioners of Chelsea Hospital; and which moneys so deducted shall be so applied in the manner which His Majesty, his heirs, and successors shall, by warrant under his royal sign-manual, direct." This system went on for some time; paying six months in advance. Then it was reduced to three; and about two years ago, by a plan of Lord Hardinge's, staff-officers were appointed to pay pensioners; and now they were only paid one month in advance, which plan was, in his (Captain Layard's) opinion, a very good one, and likely to be highly beneficial to the country. But by the 3rd and 4th William IV., only 2½ per cent is to be stopped from the new rate of pensions. So that, under the present system, the old and hard-tried Peninsular veterans had 5 per cent stopped; and those who, no doubt, were just as good soldiers, but could never have the same severe trials, were to pay only 2½ per cent. No doubt he should be told that the pensions of the latter were smaller. Alas! that such was the case was too true; and a disgrace to the nation it was that it should be so. Now, he must recall to their minds that, within a few weeks, at the gracious recommendation of Her Majesty, they had voted pensions to those gallant officers who had deserved so well of their country—Lord Hardinge and Lord Gough—to support that dignity which Her Majesty had bestowed upon them for their gallant achievements, having raised them to the temple of honour, as a reward for their having taken so high a station in the temple of fame. For his (Captain Layard's) part, he could not believe that any one for a moment would suppose that either 5 per cent or 2½ per cent would or ought to be stopped from the pensions of those gallant leaders. And if such was the case, how could the Parliament think of any longer allowing this stoppage to be made from their no less worthy and gallant companions in arms? But he felt that the great enemy he had to contend with was the right hon. Gentleman the Chancellor of the Exchequer; but he trusted that upon this occasion he would let his love of justice overcome his love of economy; and he thought when he informed the right hon. Gentleman that the hon. Member for Montrose was to second his Resolution, he (the Chancellor of the Exchequer) would feel that it was an act of justice which no economical feeling ought to counteract. Shall it be said that those who can say to their children or their grandchildren, "I fought with Hardinge at Albuera — I was at the storming of Burtpore with Lord Combermere—I helped to take the eagle at Barossa with Gough—I fought with Napier in India—I formed part of that force at Waterloo under Wellington, whose squares were invulnerable, and whose advance in line was invincible" —shall these men, when they shoulder their crutch, and show how fields were won —shall these men end their narrative by stating, "We petitioned the British House of Commons—we petitioned the representatives of the people no longer to allow the paltry deduction of five per cent from our pensions, and our prayers were unheeded?" He called upon the protectionist party, who had talked so much of standing to their colours and nailing them to the mast, to remember that the standard of their country had been carried untarnished by the agricultural labourer to honour and glory. He reminded the manufacturers that many of those who had been operatives had by their gallant bearing as soldiers opened new marts in the uttermost parts of the world. He called upon all in that House to remember upon what a pinnacle of glory this country had been placed by her army, and to remember how poorly that army had been requited. The right hon. Baronet, the late Prime Minister, had, upon a former occasion, upon bringing forward the pensions to Lord Hardinge and Lord Gough, read to them from Napier's *History of the Peninsular War*—that brilliant history of brilliant exploits—the account of the horrible and bloody fight of Albuera, where, by Hardinge's perseverance, victory had been achieved. He trusted the House would allow him to follow the late Prime Minister's example, and read an extract from that book, and which would prove how worthy a cause he stood there to advocate. Napier says—

> "That the British infantry soldier is more robust than the soldier of any other nation can scarcely be doubted by those who, in 1815, observed his powerful frame distinguished amidst the united armies of Europe; and notwithstanding his habitual excess in drinking, he sustains fatigue and wet, and the extremes of cold and heat, with incredible vigour when completely disciplined; and three years are required to accomplish this. His port is lofty and his movements free; the whole world cannot produce a nobler specimen of military bearing. Nor is the mind unworthy of the outward man. He does not, indeed, possess that presumptuous vivacity which would lead him to distate to his commander, or even to censure real errors, although he may perceive them; but he is observant, and quick to comprehend his orders—full of resources under difficulties, calm and resolute in danger, and more than usually obedient and careful of his officers in moments of imminent peril. It has been asserted that his undeniable firmness in battle is the result of a phlegmatic constitution uninspired by moral feeling. Never was a more stupid calumny uttered. Napoleon's troops fought in bright fields where every helmet caught some beams of glory; but the British soldier conquered under the cold shade of aristocracy. No honours awaited his daring—no despatch gave his name to the applause of his countrymen. His life of danger and hardship was uncheered by hope, his death unnoticed. Did his heart sink therefore? Did he not endure with surprising fortitude the sorest of ills, sustain the most terrible assaults in battle unmoved, overthrowing, with incredible energy, every opponent, and at all times proving, that while no physical military qualification was wanting, the fount of honour was also full and fresh within him? The result of a hundred battles, and the united testimony of impartial writers of different nations, have given the first place amongst European infantry to the British."

Such was the description of those men—and could any one deny the truthfulness of that description — for whom he stood the humble advocate. And he trusted and believed that neither the House nor the country would or could neglect their petitions. No one knew—no one could say at what moment the safety of the country might depend upon these pensioners; they were the only force which you could call together in case of any sudden emergency, for of regular troops you had very few; you could lay your hands upon the Colonies, taking up so large a proportion, while the pensioners, consisting of 73,500, gave 25,000 available men fit to do good service, and 25,000 more fit for garrison duty. And this alone showed the advantage of acting generously and kindly; for if it had not been for these pensions, by some so much abused, where could you have such a force to call out in a moment, and available at once? That brilliant history from which he had before quoted ended with this touching sentence:—

> "Thus the war terminated, and with it all remembrance of the veteran's services."

Were the House of Commons prepared to let such a sentence stand against them to all time? Were they prepared to have it go forth that they refused the petition of these men, whose military achievements had been the admiration of the world? He felt that should the right hon. Secretary at War oppose this Resolution, he would be acting against his own generous nature, and the anxious desire he had always personally evinced to benefit the soldier. But he trusted the House would feel, whatever was the course taken by the Government, that the petitions ought to be granted. He felt he had done well in giving them an opportunity of doing these gallant men a justice, however tardy, a reward, however inefficient. He should end by calling upon them to—

"Pity the sorrows of each brave old man,
Whose shattered frame can carry arms no more,
Whose life is dwindled to the shortest span:
His prayer but grant, and Heaven will bless your store."

He, therefore, begged to move—

> "That in the opinion of this House, the pensions paid to Non-Commissioned Officers and Privates of the Army should be paid without fee or deduction whatsoever."

Mr. HUME seconded the Resolution, observing that he could not understand on what principle one class of pensioners, and they the poorer, should be subjected to a charge from which the wealthy were exempted.

The CHANCELLOR of the EXCHEQUER lamented that this subject should have been broached in the absence of the Secretary at War, whose presence in another place was rendered just then imperative by the nature of his duties. He trusted that the gallant Officer would not on the present occasion press his Motion, but would, under all the circumstances of the case, be satisfied with the assurance which he (the Chancellor of the Exchequer) had no hesitation in giving him—that the matter was one which would most certainly engage the serious attention of Her Majesty's Government. There could be no doubt that the present system was a very anomalous one, and should be inquired into.

Captain LAYARD was satisfied with this assurance, and would withdraw his Motion. Motion withdrawn.

House went into Committee of Supply. In Committee several Votes were agreed to. House resumed. Resolutions to be reported. Committee to sit again.

SUGAR DUTIES—ANNUAL VOTES.

On the Motion that the House proceed to the Orders of the Day,

Mr. MOFFATT, seeing the right hon. Gentleman the Chancellor of the Exchequer in his place, begged leave to ask him what the intentions of the Government were with regard to proposing a substitute for the duties which were hitherto levied in pursuance of an annual Bill on Sugar? A distinct promise was given by the Government when it was proposed to make the Sugar Duties permanent, that some large amount of duty to be agreed to annually should be substituted; and he (Mr. Moffatt) wished to know if the right hon. Gentleman the Chancellor of the Exchequer was now prepared to name the articles on which such annual duty was in future to be levied?

The CHANCELLOR of the EXCHEQUER was not prepared to say what duties the Government would submit to the House for annual revision and imposition. It had been repeatedly stated, during the recent discussions, that it was exceedingly inconvenient that these annual discussions should take place on the Sugar Duties; and it was highly desirable, before any duty was fixed upon to be annually discussed, that the matter should be very carefully considered. There was hardly any one duty, for the reduction of which a Motion had not been made during the year; and it became an important question how in such a matter they could best consult the interests of the country. The Government would therefore take time to consider what these duties should be, and he would not, till next Session, state what their decision on the matter was. He thought the House would have so much confidence in the Government as to allow this matter to stand over till that time.

GAME LAWS.

Mr. J. COLLETT, seeing an hon. Gentleman (Mr. G. Berkeley) present who had given him notice by letter that it was his intention on a future day to call the attention of the House to the evidence which had been taken respecting the Game Laws and to the Report, and that he meant to make allusion to him (Mr. J. Collett) when he brought forward the subject, begged to say, that the Report on the Game Laws which he had received was a thick blue book—the Report of the Committee of 1845; he had not received the Report of the Committee of 1846, and no report had yet been made, nor had his conduct anything to do with the evidence on the game laws, or with the report. He was never before the Committee to give evidence. He wished, therefore, to ask the hon. Gentleman whether he intended to bring forward the subject; and, if so, whether he intended to allude to him (Mr. J. Collett), and at what hour; so that he might be present to answer the hon. Gentleman? Or, perhaps, the hon. Gentleman would bring forward the subject at once?

Mr. G. BERKELEY, in answer to what had fallen from the hon. Gentleman the Member for Athlone, begged to say that if he only told him what allusion he had made, he should be very thankful. He was not aware that he had made an allusion at all, except calling his attention to the fact that in alluding to the game law evidence he might by chance allude to him—that was all he had said.

Mr. COLLETT begged, with the permission of the House, to read the letter he had received. [The hon. Gentleman read the letter.] He now begged to know if the hon. Gentleman wished to make any allusion to him.

Mr. G. BERKELEY had no hesitation in answering the hon. Gentleman, and in saying that he did most decidedly intend to call the attention of the House to the game laws. He also intended to allude to all such persons as had in his opinion brought those laws into contempt; and as he thought the hon. Member to have been peculiarly guilty on that head, he certainly did intend to allude to him.

CUSTOMS DUTIES—DUTY ON RUM.

House in Committee on the Customs Duties Bill.

On the Question that—

> "Spirits, or Strong Waters, the produce of any British Possession in America, not being sweetened Spirits, or Spirits mixed with any article, so that the degree of strength thereof cannot be exactly ascertained by such hydrometer, the gallon be 8*l.* 10*s.*"

MR. MACKINNON: Sir, being connected with the West India interest, my ancestors and myself having held possession of that description of property for upwards of a century, in fact ever since the first colonization of those islands, I take the liberty of stating a few facts that relate to that description of property. It is well known, and I believe painfully so to all West India proprietors, that the value of their estates has of late greatly deteriorated; to such an extent as in many cases to give no return whatever, and in others to cause an expenditure greater than the profit. When the twenty millions were granted by this House for the manumission of the slaves, it was certainly a generous boon; but in many cases that vast amount was very far from being a compensation, or in any manner an equivalent for the loss incurred. Under these circumstances, it appears to me that the West India proprietors are entitled to every indulgence. It was quite evident to all who gave their attention to West Indian affairs, that when the duty on corn was doomed by the Legislature, it would be impossible much longer to keep up the monopoly of sugar. In proposing an alteration in the Sugar Duties, the Government cannot be blamed; any Government whatever that ruled this country must have done the same, and I must admit that some of the provisions made by the noble Lord at the head of the Government are a great advantage to the West Indian proprietors. I allude chiefly to the admission into the Colonies of men of colour, and also to the proposed abolition by the local legislatures of the duty on various articles imported into the colonial islands. These benefits will materially improve the condition of the proprietors of the soil, and are well-judged concessions made by the Government: at the same time I cannot but express a wish that the system of free trade, which is the leading principle in the Sugar, as well as in the Corn Importation Bill, had been extended to the admission of colonial rum on the same scale of duty as home-spirits are charged with respectively in England, Scotland, and Ireland. The duty now on the importation of rum is 9*s.* 4*d.* per gallon; that of home-made spirit is in England, 7*s.* 10*d.* per gallon; Scotland, 3*s.* 8*d.*; Ireland, 2*s.* 8*d.* Since 1802 the consumption of home-made spirit has doubled; that of rum has decreased, In Scotland, it is only one-tenth of what it used to be; in Ireland, only one-fiftieth; surely, therefore, admitting the principle of free trade, as the rum on some estates is nearly equal to the value of sugar, is it fair to give free trade in sugar, and to deny it in the article of rum, which is nearly as essential to the well-being of our Colonies as the other? Just consider, Sir, the contradiction that keeping up the duty on rum makes. You state a broad and general principle, that of free trade, in colonial produce; you say all sugar after a time shall come in on an equality; and yet you keep rum out of the market, and say—no, you shall not sell your rum to the inhabitants of England, and particularly those of Scotland and Ireland, but at the enormous differential duty, with regard to Scotland, of 5*s.* 8*d.*, and in Ireland of 6*s.* 8*d.* Surely you are not in this manner keeping up the principle of free trade! The Channel Islands last year were allowed by a Bill which I hold in my hand to import into Great Britain spirit extracted from sugar under certain regulations. If this was done to them, if this boon was given them, why should you withhold from the West Indian interest the same favour? You lay down a principle of free trade in corn and sugar; you allow all sugars to enter into competition with colonial sugar; in return, allow colonial spirit to enter into competition with British spirit. In putting the heavy duty on rum imported into Scotland and Ireland, you encourage the illicit distillation at the expense of the West Indian proprietor, and injure the health of the population by giving them a spurious and fabricated liquor in place of the genuine rum of the Colonies.

The CHANCELLOR OF THE EXCHEQUER had, in the first place, to thank the hon. Gentleman for the terms of approbation in which he spoke of the measure of the Government with regard to sugar. He regretted the painful position in which many of those connected with the West Indies were placed; and no one was more anxious, consistent with his public duty, to do all in his power to afford them relief. With regard to the question immediately before the House, he denied that the principle of protection was involved in it. The difference in the customs duty on rum and the excise duty on British spirits, whether rightly or wrongly, he would not stop to examine, was imposed for the purpose of equalizing the fiscal burdens on these articles. The British distiller formerly said that unless the duty on rum was 2*s.* 11*d.* above that on British spirits, the latter article would not come into consumption on equal terms. That amount of difference had since been much reduced. He did not know what amount of difference the West Indians admitted should be allowed; but they acknowledged that there were some differences in the circumstances of the case, for which allowances should be made. There were fiscal charges to which the British distiller was exposed, which did fall upon the producer of rum. It was quite clear that the excise duty on malt threw an increased amount of taxation on spirits, whatever it might be. Again, the duty was paid on rum when it was taken out of the warehouse for the purpose of consumption; but the duty was paid on British spirits, so to speak, at the worm's mouth. There were other items of a similar nature into which he would not go on that occasion, but which entitled the British distiller to say that if some duty was not put on colonial rum beyond that paid on British spirits, these articles would not come into consumption on equal terms. That these articles should be admitted upon equal terms, was asked by the West Indians; and he admitted that it was a sound principle, and this was the reason which induced him at once to propose to reduce the difference of the existing duties one-third. He had been able to go so far without difficulty, and the British distiller did not oppose this reduction; and he was prepared to go farther, if it appeared on investigation that the justice of the case required it. He could not, however, go further in assent to the proposal of the hon. Member, without a much more lengthened inquiry than could be gone into at that time of the Session. As regarded the duties on Scotch and Irish spirits, the circumstances of the case were very different. Of late years the uniform practice had been to impose the same amount of customs duties in all parts of the United Kingdom. This was not likely to be departed from as a general rule, as it would open a door to smuggling which was now closed. The hon. Gentleman said that this measure of the Government was in contravention of the principle of an Act which passed last year, as to the importation of spirits from the Channel Islands; and he quoted this as a ground for doing the same thing with regard to the West Indian Colonies. If the Government proposed to put the introduction of colonial rum on the same footing as spirits from the Channel Islands, the hon. Gentleman would have little to thank them for. The duty on the spirit from the Channel Islands, which was imposed by the Bill alluded to, had operated as a prohibition, for since that Bill had passed, not a single gallon of spirits had come from the Channel Islands into the United Kingdom; therefore, putting them on the same footing would be most injurious to the West Indians. The trade which formerly ex-existed in spirits from these islands was a fraudulent trade, and now it was put an end to. It should be recollected that the excise duty must be levied on spirits in rather a peculiar manner from other duties. Every Gentleman in that House admitted that the article spirits was one of the fittest subjects for taxation; and as long as they could collect a full revenue, there was no amount of duty which should not be paid. This was the principle, and for no other principle the rate of duties in England, Scotland, and Ireland varied. What they had to look to was the amount, and the amount of duty which would not promote illicit distillation. The amount of duty might be carried so far as to operate as a high premium and a positive encouragement to illicit distillation. In England there might be some small amount of illicit distillation; but in proportion to the quantity of spirits consumed, he had reason to believe that it was not carried to any serious extent. The duty, therefore, of 7*s.* 10*d.* a gallon would be maintained without much illicit distillation. In Scotland, many attempts had been made to raise the amount of duty on spirits, but the result had invariably been, that the amount of spirits brought to charge had fallen off. This was abundant proof, not that a less quantity of spirits was made in that country, but that a much larger amount was obtained by illicit distillation. It was hardly worth while to detain the House by going into details; but he had returns before him showing the amount of spirits which had been brought to charge in Scotland, which, it appeared, varied inversely in the amount of duty. This was still more the case in Ireland. Whenever they had raised the amount of duty on spirits in Ireland, the revenue had materially diminished. When they again reduced the duty, the quantity brought to charge had doubled and trebled, and even more than that in both those countries. They were enabled, by observing this, to see what amount of duty was sufficient to put down illicit distillation. He admitted that nothing was more anomalous than the different state of duties in different parts of the Empire. The peculiar circumstances of Scotland and Ireland, however, were too powerful for the Legislature as regarded illicit distillation. The spirit used in Scotland and Ireland was a raw spirit, while that made in England was a compound spirit. He believed that the different tastes, as regarded spirits, of the respective countries, alone could account for this. Although there was this difference of duties, there was not much smuggling except on the borders of Scotland; and there would be an increased inducement to smuggle if this distinction was made in the duty on rum in Scotland and England. For instance, if the same spirit paid a different duty on the opposite sides of the Solway Frith, and was sold 3*s.* 4*d.* a gallon cheaper on one side than the other, it would give rise to a a most extensive system of smuggling. Again, a large extent of the western coast of England would be open to the smuggling of rum from Ireland, if the duty on that article in the former country was 7*s.* 10*d.* a gallon, and in the latter 2*s.* 8*d.* It should be recollected this was not a spirit with respect to which a different taste existed between the two countries. He did not state this as in itself a sufficient reason for not going into the subject; but he wished to press upon the House, before such a measure was adopted, that it was wise that they should go into the whole question, and carefully consider the matter, so that they should preclude as much as possible smuggling. The people of England might reasonably say that it was hard upon them that they should pay so much more duty on the same spirit than the people of Scotland. It was a remarkable fact that there had been a material diminution in the consumption in rum both in Scotland and Ireland; and this did not arise from difference of the duty on that article at different times. He found from the returns before him, on going back so far as the commencement of the century, that the quantity of rum imported into Scotland in 1800 was 239,000 gallons, at a duty of 9*s.* a gallon, while the duty on Scotch spirits was 3*s.* 10*d.* a gallon. Thus the duties were nearly in the same relative proportion as now. In 1843, the quantity was 48,000, while in 1845, it was only 43,000. The consumption varied in different years; but it was utterly impossible to account for the reduction in the consumption of the article by any thing in the duties. During the war a very considerable quantity of rum was imported into Scotland; but he did not see why the consumption had fallen off so much. In like manner the importation of rum into Ireland had fallen off, and varied in the most unaccountable manner. He found the return of the importation of rum into Ireland to stand as follows:—

1801 ………	1,059,000	1824 ………	9,000
1804 ………	180,000	1826 ………	27,000
1809 ………	1,063,000	1836 ………	27,000
1811 ………	150,000	1842 ………	11,000
1113 ………	460,000	1845 ………	13,000
1814 ………	90,000		

During the whole of this time there was comparatively little change in the duty, at any rate it was not sufficient to account for diminution in the importation of the article. The question required the most attentive consideration, and, as he said the other night, he would promise that it should receive the most serious attention of Her Majesty's Government; but it was too late at this period of the Session to enter on it.

Mr. HUME said, that the only objection which the right hon. Gentleman seemed to entertain on the subject was the fear of smuggling. Now, it could be easily shown that there was no ground for any such apprehension. The question was, whether rum was more likely to be smuggled from Scotland than Scotch spirits. On the south side of the Solway Frith, the duty on spirits was 7*s.* 10*d.* a gallon, on the north side 3*s.* 8*d.*; now rum would be placed on the same footing as the latter, and why should it be smuggled more than whiskey? He should have thought the common sense would have shown the right hon. Gentleman that there was nothing to fear on this account. Why should the people of Scotland be deprived of the power of drinking rum on the same footing, as regarded the duty, as whiskey, and so, also, with the people of Ireland?

Mr. GOULBURN trusted, if they accepted this proposition, that the reduction of the duty would be only regarded as an instalment of what was due to the West Indians. In 1826, when Lord Ripon was Chancellor of the Exchequer, the distinction of the duty between West Indian rum and British distilled spirits was fixed at 1*s.* 6*d.* During the last few days, he had had several documents under his consideration, which had been brought before him when he was Chancellor of the Exchequer in 1830. Among others was a memorial presented to him by the distillers, in which they represented the difficulties under which they were placed by the increased price of the raw material from which they distilled their spirits, namely, foreign grain. They argued, therefore, that in consequence of the higher price which they had to pay, they had a right to a differential duty. He at that time reviewed the whole subject, and after maturely considering it, he proposed to impose an additional duty of a shilling a gallon on English spirits, leaving the duty on rum the same as it was before. He satisfied himself then that he could put the additional shilling on the British article without subjecting it to an unfair competition with colonial spirits. The Session of 1830, however, terminated, and the Government of which he was a Member was removed, and consequently the arrangement which he proposed to have made with respect to the spirit duties was not carried into effect. It must be recollected, that at that time not only was foreign grain dearer than it was likely to be now, but that then the West Indies had plenty of labour; and he thought that when the right hon. Gentleman the Chancellor of the Exchequer came to consider the question in all its bearings, he would be satisfied that the West Indians were justified in regarding the present measure merely as an instalment. The only way to enable the West Indian planter to supply this country even with sugar would be to place him on a fair footing with respect to other articles. He sincerely believed, also, that the only mode by which we could hope to terminate the Slave Trade was, by diminishing the profits of those engaged in it; and no means were so certain as measures which would enable the colonists to supply not only the wants of this country, but to send a large proportion of their produce in foreign markets, there to compete with the slave-grown sugar of other nations.

Mr. P. M. STEWART expressed his conviction that the existing differential duties were grounded upon the now exploded system of protection, and that it was intended that colonial sugar should have a preference over foreign sugar, and British spirits over colonial spirits. That system, however, had been avowedly abandoned, and we must now follow out, to their full extent, the principles of free trade. The right hon. Gentleman the Chancellor of the Exchequer had referred to the fiscal difficulties which surrounded the subject of the spirit duties, and the danger of smuggling; but the reasons which he had urged might be very potential for introducing a change into the excise laws, but none at all for treating the colonists with injustice. The right hon. Gentleman must deal boldly with the question, for as long as the anomaly of the spirit duties continued, there was no prospect of a satisfactory adjustment of the matter.

Mr. BERNAL observed, that the noble Lord the Member for the city of London had, while the Chancellor of the Exchequer was addressing the House, used in an under tone the words "in justice to this country." Now he was quite ready to argue the question upon the principle of justice to this country. If the Polish corn-grower had greater facilities for raising corn, and was subject to fewer burdens than the English agriculturist, that, as the House had already determined, was not a sufficient reason why the corn of the foreigner should not compete upon equal terms with home-grown grain. Why, then, should the charges which the English distillers had to pay be taken into account? As to their "plant," as it was termed, no doubt that was expensive; but so were a farmer's farm buildings. He wished to say nothing of West Indian distresses or West Indian misfortunes. We must go on, and not look back. The *causa causandi*, if he might so express it, of these differential duties, was the influence of the landed interest. The differential duty on rum, as compared with the duty charged upon British spirit, was bad enough; but when it came to a duty of 3*s*. 8*d*. on Scotch spirits, and 2*s*. 8*d*. on Irish whiskey, while rum was charged 9*s*. 4*d*., the matter became too ridiculous for argument. He called upon the right hon. Gentleman to follow out the principles which had already been acted upon, and to do justice to all classes.

Lord J. RUSSELL observed, that his hon. Friend seemed to attach great importance to what he had said, while his right hon. Friend the Chancellor of the Exchequer was speaking. When he used the words, "in justice to this country," all he meant to say was, that the Government ought to have a little time to consider the matter, in order to enable them to do justice to England while they did justice to the Colonies. Let it be supposed that his right hon. Friend was to admit rum into Scotland at a duty of 3*s*. 8*d*., and that it became quite easy in England to consume smuggled rum which had paid 3*s*. 8*d*. only in Scotland, while British spirits were charged with a duty of 7*s.* 10*d.* That would cause great complaints among the people of England. All he said was, that these questions required some time, and that the Government ought to take them into consideration. He did not wish to do injustice to anybody, and all he asked was, that they should have time to take everything into consideration, and to hear all parties. He must say, that his hon. Friend opposite had argued the question from the beginning with perfect fairness, and had not taken advantage of any undue prejudices on the subject.

SIR J. R. REID inquired when the reduction was to take place?

The CHANCELLOR OF THE EXCHEQUER: As soon as the Resolution is reported.

MR. MACKINNON: He would offer no opposition to the Resolution.

Resolution, with other Resolutions, agreed to.

House resumed. Resolutions to be reported.

ARMS (IRELAND) BILL.

On the Question, that the Arms (Ireland) Bill be now read a Second Time,

MR. LABOUCHERE said, he could assure the House that it was with sincere reluctance he moved the second reading of this Bill. That reluctance, however, was not created by any doubt on his mind that the course he took, in concurrence with the rest of Her Majesty's Government, was that which would be most in accordance with the interests of Ireland, and with their duty to the House. He retained the opinion he had originally formed when the measure was first introduced, that it contained many most objectionable clauses, and for his own part he never would have been a party to its introduction; but at the same time he trusted he should be able to demonstrate to the House that it was perfectly consistent with that opinion to recommend the Bill under the circumstances in which they were now placed. He did not ask the House to lend any formal sanction to the principle or to the details of the Bill, of which he would be the last man to approve; but he asked them to continue it in order to give the House and the Government the limited period for the consideration of their future policy on this important question, and an opportunity for that deliberate and serious attention which it so fully required. If any hon. Member was disposed to blame the course taken by Government on this occasion, he begged of him to reflect on the inconveniences of the alternatives which were open to them. He might be told the measure ought to be dropped altogether—that no regulations respecting the possession of arms ought to remain one single hour on the Statute-book. Now he would not express any opinion on the present occasion as to what ought to be the policy of Government on this question after due consideration and reflection; but he was prepared to maintain, in the face of the House and of the country, that a Government would desert its duty, and would act a part utterly unworthy of the dignity of the Crown and of the country, if they were to propose such a step under the present circumstances of Ireland. In recommending the present course, he did not mean to preclude the Government or himself from adopting that which they might hereafter think expedient; but he put it to any Member of that House if it would be conducive to the peace of Ireland, if Government would be acting as a friend to Ireland, were they, for the sake of catching popularity, and to save themselves trouble, at once to propose that all legislation should cease on the subject. He was not prepared to take such a course, which he would have felt to be unworthy of him. It was an alternative which he deliberately refused to adopt. The other course open to the Government would have been to attempt to amend the Bill. What would have been the effect of that? Why to have given their sanction to what they had amended? He was not prepared to take that course: the spirit in which he asked the House to approve of this Bill was not one of approval in principle or in details. He did not ask them to adopt this as a mere continuance Bill—far from it. Her Majesty's Government had adopted a most unusual course, but were, as he conceived, quite justified under the circumstances of the case. The Bill would only be in force till the 1st of May, when he gave them not only a pledge but security of the intention of Government to bring in a measure on this subject. All they asked for was time to enable them to consider the subject. It had been suggested to him that he should not have asked the House to pass this Bill, but should have introduced the former Arms Bill, which would have been more satisfactory; but he entirely disapproved of that course. Let the House but see in what a situation such a measure would have placed the people of Ireland; such constant changes were in themselves very harassing and perplexing. But besides that, he believed the evils resulting from the present course had already happened, and he saw no reason for adopting an altered scheme, which would, in his mind, have been infinitely more objectionable. It had been said that by the registration of arms those persons who had arms were pointed out to the evil-disposed; and the fact was that great robberies of arms had taken place in consequence, so that the lawless portion of the people, instead of being armed with old rusty guns, were now possessed of bright new firelocks. The mischief of the Bill had already been done, and no harm could be done by continuing it for only nine months. As to the branding clause, he disliked it extremely. It was justly objectionable, and he agreed with those who said it was affronting. But the thing was over now. The arms were all branded. Much depended on the spirit and manner in which the Act would be carried into effect by the Executive Government; and here he was bound to bear his testimony to the conduct of the last Government, and to say that the pledge which they gave that their powers should be carefully and temperately used, had been followed by them. He owed them that testimony; and as he said so, he might assure the House that if they were pleased to confide those powers to the present Lord Lieutenant, they might have every confidence that they would be carefully and cautiously exercised. He was most anxious to avoid causing any unnecessary annoyance; and although he was not prepared to defend the provisions of the Bill, he felt assured that the course he recommended was the only honest, true, and faithful part he could adopt towards the people of Ireland; and he trusted and believed it would be so received by them. He should be sincerely sorry if the necessity for proposing such a measure were to be taken as a specimen of the feeling and a sample of the legislation that the present Government would adopt towards Ireland; but he was most conscientiously persuaded that it would be impossible to take any other course. He ventured to hope the House would not refuse to trust Her Majesty's Government with the power they asked, not as a permanent measure, but to give them time for reflection and consideration.

Mr. HUME had long listened in that House to arguments in support of Bills introduced to their notice, but had never in his life before heard such extraordinary arguments as those of the right hon. Gentleman. His surprise was the more increased when he considered the course which he had taken against that very Bill on its first introduction, when almost every hon. Member on that (the Ministerial) side of the House opposed it most perseveringly. With respect to any plans proposed to the right hon. Gentleman, he knew nothing of them; but his plan was a very simple one—namely, to let the Bill drop altogether. The right hon. Gentleman had told them he would assign reasons for proposing the measure; but the right hon. Gentleman had not given a shadow of reason. He had, indeed, admitted that the evils foretold of it had come to pass; but no proper reason for its continuance had been given by him. Why, the right hon. Gentleman the late Secretary of State for the Home Department had twice admitted that the Bill had failed; and it was then incumbent on the present occupants of the Treasury bench to show what good results were expected to flow from its continuance. The right hon. Gentleman asked, would they not trust Her Majesty's present Ministers with the powers given by the Bill? He was not willing to intrust unconstitutional power to any man or set of men. When the right hon. Gentleman spoke of his disapproval of the principle of the Bill, but at the same time admitted the necessity for its continuance, he wanted to know how and where that necessity was shown? What petitions from Ireland were there in its favour—what Member belonging to that country advocated its re-enactment? So far from agreeing with Ministers as to the necessity of its continuance, he thought they had come to a most unwise conclusion on the subject, and he would not be a party to the error they had committed. When the Bill had been first introduced, the allegations on which it was founded were that crime had so increased in Ireland that there were no other means left of preserving the public peace, and protecting the lives and properties of Her Majesty's subjects there. The truth of those allegations were by many doubted at the time; but what was the case at present? Why, no such allegations whatever were made, and yet the Bill was to be continued, and that to o aBill which was so objectionable in its provisions that the noble Lord who was now the First Lord of the Treasury had, when it had been first introduced, moved the omission of that clause, which was known as the branding clause. Right hon. Gentlemen, however, the moment they reached the Treasury benches seemed to forget all the wise maxims which governed them when in opposition. With respect to Ireland, trials of various systems had been made from time to time, all except the right one. Coercion had been used instead of conciliation, and the depriving of the people of that country of the rights and privileges enjoyed by Englishmen and Scotchmen, instead of extending those privileges to them. Now he would turn the tables altogether, and adopt a different system. On that very measure there had been no less than fifty-one divisions, and fifteen days had been lost which might have been better employed. Let them then drop the measure altogether. Let them adopt conciliation instead of coercion, and let them tell the Irish people that one of their first acts as a Government would be to put an end to a measure of so objectionable a nature. If the people of Ireland were treated on an equality with the people of England and Scotland, they would have a tenfold return of peace and good order from them—far greater than if they persisted in the old system. He could not understand how it was that the Members of the Government, individually and separately condemning the measure, at the same time collectively approved of it. He should move as an amendment that the Bill be read a second time that day month.

Mr. SHAW said, that when this Bill was originally proposed he was no advocate of it, but he did not think it deserved the character given it by the hon. Member. It was not a coercive or tyrannical Act in the sense imputed to it by the hon. Member, for scarcely any one could be refused to register arms under it. What he had predicted in 1843, when the great opposition was made to the new provisions then added to it was, that they would be found in the working of the measure troublesome, expensive, and inefficacious; and such had turned out to be the case. The Members of the present Government had at that time opposed the introduction of the present Bill, not because they objected to any Arms Bill; but their argument was that the then existing law might have been continued, and that the addition of the branding and registration clauses was objectionable. He thought the right hon. Gentleman the Secretary for Ireland had given fair reasons, showing why it was not worth while discontinuing those powers at present; because, in fact, their operation as regarded branding and registration was over. He did not think that the Secretary for Ireland ought to have altogether abandoned the Bill, and he thought it reasonable to allow Government time to consider the whole question. It might be very true that the new clauses of 1843 were vexatious and useless, but that was no reason for abolishing, without consideration, a law that had existed in Ireland for half a century for the regulation of the import and sale of arms and ammunition in that country.

Mr. ESCOTT confessed that he had never heard a speech which surprised and amazed him more than that of the right hon. and learned Gentleman the Recorder of Dublin. The Bill was, according to his representation, troublesome, vexatious, expensive—not only not productive of any good, but positively and hopelessly useless—and therefore the right hon. hon. Gentleman would support it. He believed it to be everything the right hon. Gentleman had represented it, and for that reason he would vote against it. No doubt the right hon. Gentleman who introduced the measure, the Secretary for Ireland, would make it his study, as far as in him lay, to have it administered in a kindly spirit. He knew sufficient of that Member of the Cabinet to be perfectly well aware that no tyrannical measure could be consigned to his hands for administration, that he would not endeavour, as far as in him lay, to mitigate the horrors of it; but still it was a tyrannical and oppressive measure, and he could not understand on what principle the constitution of Ireland should for the next nine months be handed over to the Lord Lieutenant and Chief Secretary. It was to him a matter of the most curious conjecture what wild infatuation could have induced the Government to take such a Bill under its protection. The Chief Secretary for Ireland himself admitted that it was a failure, and denounced every provision of it; and the right hon. Gentleman who sat by his side (Mr. Sheil), when in opposition had mercilessly denounced it with that all that fiery eloquence for which he was so remarkable, describing it as a measure into whose every clause tyranny was elaborated in every possible form. Was not that hon. Gentleman going to support it now, because, forsooth, he now sat on the other side of the House? He

(Mr. Escott) gave the noble Lord at the head of the Government the fullest credit for the vote he recorded against the Coercion Bill introduced by the late Government; but was it to be credited for one instant that he was now going to perpetuate for nine months more a vile and a vicious system, having no other excuse for so doing than the absurd one, that as it had been so long persevered in, it might be continued a while longer? Why should the Irish people be treated thus ignominiously? Why should the constitution of Ireland be thus violated? No good reason had been attempted to be assigned for this measure, and no man could in the absence of all good reasons give his vote in favour of such a measure, and at the same time hope to maintain his character for honesty and independence. He called on all hon. Members who had any regard for their character to vote with him against this Bill.

Mr. MUNTZ was most willing to give his support to Her Majesty's Government so long as he could do so consistently with honour, and without violating his principles; but he felt that if he were to support them in the present instance, he would be degrading and disgracing himself. He deeply regretted that Ministers should have brought forward such a Bill, for public men were just now at a discount, and such conduct on the part of Ministers would not tend to raise them in estimation. If so odious a Bill as this were to be received without sufficient deference to the public feeling in this country and Ireland, people would think that there was indeed truth in the assertion that men changed their principles in that House as soon as they changed the benches on which they sat.

Mr. SHARMAN CRAWFORD considered the Bill a violation of the Constitution, and particularly useless, and would vote against it accordingly. He would not say that there ought not to be some restrictions as to the importation of arms and the sale of gunpowder; but the practice of registering arms, especially under the circumstances of the branding clause, he could never approve of.

Mr. REDHEAD YORKE, with every inclination to support the Government whenever he could do so with honour and consistency, could not vote with them on the present occasion. He had divided against the Bill before, and could not do otherwise than oppose it now.

Mr. BELLEW thought that in this particular instance the Government had not acted with sufficient consideration of the sentiments of the public and the Irish Members. The effect upon the character of public men, which would result from the introduction of such a measure, would be most injurious; and most unaffectedly did he regret that Government had exposed themselves to such peril; for their Irish appointments were such as to induce the Irish people to repose confidence in them.

Mr. PIGOTT had been an active opponent of this measure when first introduced, and any amendments in it were of his introduction; but the question he had now to ask himself was this, what was best for the people of Ireland, and he must say that it appeared to him best for their interest not to tamper with patchwork legislation. In 1843 he was of opinion that there should be no legislation on this subject; but legislation having been introduced, they should now consider what was most advisable to be done under all the circumstances. Some hon. Members had advocated the renewal of the old Bill; but that would be most distressing on the people, for under that Bill no blacksmith could carry on his trade without registering his forge. If he did so, he subjected himself to a severe penalty. He was not, therefore, for renewing the old Bill, nor for introducing a new Bill to last merely till the 1st of May. He thought it would be a most mischievous arrangement to have the present form of arms legislation, then a new form to last for a few months only, and ultimately another and a totally new one, which was to supersede all the antecedent ones, for thus the people of Ireland would be exposed to the annoyance and infliction of three separate codes within the period of three or four months. Within the course of the last six or twelve months but very few registrations of arms had taken place in Ireland, so that it was natural to suppose that the greater number of fire-arms had already been registered in Ireland, and that there would be very little trouble or annoyance on that account between this and May. Under all the circumstances of the case, he could not but think that the least vexatious and in all respects the best course towards the Irish people was, to let the present Act remain for nine months longer on the Statute-book, on the express understanding that it was not to be a permanent enactment, but that at the end of that period the entire system with respect to arms should be revised and placed on a different footing.

Mr. HORSMAN said, it was with great

regret that he felt himself called upon to give a vote upon this question in opposition to Government. They had been told, that the conduct of the late Government seemed to have been the result of gross infatuation; but he confessed he could not account for the course taken by the present Government on this question, except on the ground of positive infatuation. No one was more desirous than he that the Government should be powerful and permanent; but this could only be hoped for through possessing the confidence of the country—a confidence which he begged to say no party in the country could say they possessed. He had voted against the Coercion Bill of the late Ministry, in the full hope that it was the last Coercion Bill he would ever see, and because he thought the time had arrived for governing Ireland upon a new principle. In this he was disappointed; and therefore he would on the present occasion give the measure proposed by Ministers the most determined opposition.

Sir R. FERGUSON did not at all view this matter in the light in which it had been represented by the hon. Gentleman who had just sat down, He did not regard this measure as a symptom of infatuation on the part of Government. Considering the disturbances that had so recently agitated Ireland, and the near commencement of winter, was any Gentleman prepared to say, distinctly and decidedly, that we ought to put no limit to the introduction of arms and gunpowder into Ireland? By the late Government there was no attempt to use the powers for limiting the importation of gunpowder, &c.; and this was the reason why the law had become in a great measure useless. An attempt had been made to argue the question on constitutional grounds; but that view of the question had been given up by the hon. Members for Louth and Rochdale, and indeed he could not see, considering all the circumstances, on what constitutional ground the question could be debated. He would most decidedly give his support to the Government by voting in favour of the Bill.

Mr. B. OSBORNE deeply regretted that Her Majesty's Ministers should have been so untrue to their professions when in opposition, to have introduced such a measure as this now that they were in office. What Irish Members had suggested that such a piece of legislation was necessary? Was it the right hon. Gentleman the Member for Dungarvon, or was it the right hon. the Recorder for Dublin. He (Mr. B. Osborne) denied that it was expedient to retain this Act on the Statute-book for one single hour longer. The present Government had come into power avowedly with the intention of making the same laws for England and for Ireland; and with these professions on their lips, how were they justified in advocating such a measure as the present—a measure, observe, which had not been bequeathed to them by their predecessors, but which, on the contrary, their predecessors decried and admitted to be a failure. He was willing to support the Government when he could do so honourably, but he would not repose that confidence in any Government that would induce him to support them when they proposed measures which were unconstitutional and destructive of liberty. Why were they to have enactments of this description? If the people of Ireland were so determined to commit outrages upon society, was it necessary that they should have powder and arms, when, if they were so disposed, they might make sledge hammers answer just as well? The right hon. Gentleman the Member for Clonmel had made such a speech that if his constituents knew it, he (Mr. B. Osborne) believed, even if he were to take the Repeal pledge whole, they would not return him again their Member, and that speech too, after having opposed a similar Bill upon a previous occasion. But it was said they were to have confidence in the Government. He (Mr. B. Osborne) had confidence in the good intentions of the right hon. Gentleman the Secretary for Ireland; but he had not equal confidence in those with whom that right hon. Gentleman was connected; and he had never given a vote with greater pleasure than that which he should give upon that occasion for reading the Bill a second time that day six months.

Mr. T. DUNCOMBE thought that there were other Members of that House, sitting on the Treasury benches, whom it behoved, as much as it did the right hon. Gentleman the Member for Clonmel, to explain their vote, and none more so than the noble Lord who was considered, by some means or other, to be the Prime Minister of this country. This Bill was opposed, not only by the right hon. Gentleman, but by the noble Lord in 1843. On a former evening, not long ago, he had taken the liberty to ask the noble Lord on what principles he proposed to conduct his Government. That was considered a very impertinent question. He incurred the displeasure of the noble Lord for putting it, and the noble Lord talked of every thing, but did not answer the question. He had incurred the displeasure also of some friends of his, who were getting into snug berths, and who were now ready to support the noble Lord in the apostacy of which he was about to be guilty. But he thought the result showed that he was perfectly justified in putting that question. The noble Lord said he intended to conduct his Government on the principles which he had always advocated. But what were those principles? What were those principles with regard to this very measure? Why, he found that in 1843 the noble Lord, speaking upon this very Bill, said—

> "But really if we are told that it is the intention of the Executive Government to propose such plans, and such plans alone—if we are told that this is a sample of the measures by which Ireland is to be governed, I think before long that this House should address the Crown, or take some mode or other of expressing their opinion as to the government of Ireland."

That was the principle on which the noble Lord had always acted, and he supposed that now, as a sort of tribute to the memory of his predecessors, he was going to pass another Coercion Bill. He wanted to know upon what principle they had turned out the late Government, unless it were upon the principle of non-coercion. Never was a Minister turned out so much against the will of the people of this country, or so much to the discredit of the party who had succeeded him. It was no such thing as the principle of non-coercion on which they turned out the late Government. Did they suppose that the country had forgotten what occurred in November and December last, when that non-coercion Government being offered the reins of Government on the principle of free trade, refused to accept them, pretending, for it was nothing but a pretence, that one noble Lord could not agree with another noble Lord at the head of Foreign Affairs, while those noble Lords were now united in the same Cabinet; and did they suppose that the people of this country would be bamboozled by such idle pretences as that? The right hon. Baronet whom they had turned out, had incurred obloquy and separation from his friends, and the loss of all that had been most dear to him, for the purpose of conferring upon this country a great commercial benefit. They had thrown out the right hon. Baronet on account of his Coercion Bill; and yet their first act was themselves to propose a Coercion Bill for Ireland. He could not understand such conduct. It was something worse than infatuation, as an hon. Gentleman had described it; for they might have allowed the Bill to die a natural death, and no one would have known it. As far, however, as an individual vote of an individual Member was concerned, he would say, let those who occupied the petty places of the Government falsify their principles, let them be dragged through the mire as they would be dragged, yet he would not have it said, Saxon as he was, that a Saxon Parliament had again renewed the Coercion Bill; and he would do his best, though he might stand alone in that House from the beginning to the end, to defeat that Bill, which all those Gentlemen who now sat upon the Treasury benches had opposed, and strenuously opposed, when they were sitting upon the other side of the House.

Mr. PROTHEROE should oppose the Bill; but he must say that it gave him the greatest concern to be obliged to oppose the Government upon this question. He was firmly persuaded, that pass what Bills they might, they could pass no Bill which would be so effectual to preserve the peace of Ireland as the power already in the hands of Government would be.

Viscount MORPETH was not afraid of the charge of apostacy—a hard word used by the hon. Member for Finsbury—being laid to him, for it had been his lot to propose several Arms Bill, and never to oppose one. He believed every year that he had had the honour to fill the situation of Secretary to the Lord Lieutenant of Ireland, it had been his duty to bring forward Arms Bills, not varying very greatly in their provisions from the Bill now before the House, though, certainly, on these Bills in question, in their progress through the House, more stringent and coercive provisions had been engrafted. He would not follow the hon. Gentleman through his attacks on Government. He was sorry the hon. Member had thought it necessary to condemn the vote which he had given against the Coercion Bill; but he did not think it was necessary to justify a vote which he had given in common with the hon. Member itself. He had voted for the first reading of the Coercion Bill, and he felt he could not take upon himself to vote against the second reading, so as to give ground for the notion that he was prepared to dispense with the existing law which regulated and protected life and property in Ireland. And when he did give his vote against the second reading, it was not with the idea of dispensing with such protection. He would not make any vague professions, being well aware that such professions and practice were often at variance. He would, however, make no disguise of this circumstance—that he was not prepared to approve of all the provisions of the present Arms Bill. The question, however, was this, was he prepared to admit that Ireland could now do without legislative enactments restricting the sale of gunpowder and the possession of arms by the Irish people? Government had found that legislation was in progress on this subject, as an Arms Bill had been brought in by the late Government. The present Government did not attempt to deny the existence of great objection to this species of legislation; they believed it was right to reconsider the subject, to ascertain if it were not possible to introduce a better and a less objectionable system. He was not prepared to recommend dispensing with legislation on the subject altogether until next Session; and the question to decide was, whether, having a Bill before the House now, they should ask that Bill to be supported until Government could reconsider the question next Session; or whether they should introduce another piece of legislation at this late period of the Session? The question itself had been treated with great exaggeration; and he was satisfied if this Bill were passed, that neither the people of England nor the people of Ireland would think the Government were seeking to embody in Acts of Parliament principles in which they did not agree, and which, heretofore, they had opposed. It was true Government had brought forward the present Arms Bill, but it was with the intention of bringing forward another measure the next Session. Government were of opinion it was their duty, considering the power intrusted to them, under all circumstances to continue the Act, at the same time expressing their intention of entering on the consideration of the subject at the earliest opportunity in the next Session. He hoped hon. Members would not think that Government considered this piece of legislation as a model for future Acts. Government were only asking the House to continue the Bill until the opening of next Session, pledging themselves to give the whole subject a careful consideration during the interval, and to bring forward some measure of a more confiding and conciliatory character as soon as the recess permitted.

Mr. SPOONER was not called upon to apologize for the vote he was about to give in support of Her Majesty's Government. He had not opposed legislation on the part of the late Government for the better security of life and property in Ireland; and he did not now intend to oppose legislation for a similar object, because brought forward by the present Ministry. He considered the propositions of the noble Lord on the part of the Government were but reasonable and fair, and they should have his support. Those who had supported the Coercion Bill of the late Government, and who believed that the state of Ireland required the introduction of restrictive measures, were bound in honour and honesty to give their votes in favour of the present Bill.

Lord J. RUSSELL: I rise, Sir, after the many attacks which have been made on the Government for the proposition to continue this Bill, to speak, first, as to the point of consistency on which hon. Gentlemen have dwelt so much; and next, as to the nature of the proposal which we have now made to the House. The hon. Member for Finsbury holds it to be totally inconsistent in me to vote for the continuance of any Bill of some of the clauses of which I disapprove. Now, Sir, the question which I had to consider was, whether I should propose a continuance of this Bill, moving the omission of those clauses of which I disapproved; or, whether I should propose to drop the Bill altogether? Now, if I had proposed to drop the Bill altogether—which is the opinion of the hon. Member for Montrose, and I dare say of the hon. Member for Finsbury also—I should have been acting a more inconsistent part by far than any which he has imputed to me; because when this Bill was proposed in 1843, I said I could not vote with those who proposed that there should be a Select Committee, or in support of Resolutions or Motions the effect of which would have been the rejection of that Bill. My course was to state that the Bill consisted of two parts—one was to prevent improper persons having arms, the other to prevent the introduction of gunpowder and ammunition into Ireland; and after that statement I went on to say that I found the noble Lord had truly stated that precautionary measures on this subject, certainly varying in their stringency, had been continued from time to time, for a period of fifty years. Now, during ten or eleven years of that period of fifty years, I myself had held office, and I had constantly voted for Bills containing restrictions of this description. I went on to say—

> "With regard to the first object in 1838, I being then in connection with the Government (being, in fact, Home Secretary), inquiries were made as to whether the power could not be safely abandoned, and whether for all useful purposes a mere registration of arms would not be sufficient. The result of those inquiries was to convince the Government of Ireland, and to convince me likewise, that the effect of such a measure would most probably be to increase outrage, to increase faction fights, and to throw difficulties in the way of the police, who were seeking either to repress offenders or to bring offenders to punishment. With regard to the state of Ireland in 1838, and at the present time, I see no reason why we should now refuse that power which we thought necessary in 1838. With respect to the other power, it certainly could have been better parted with in 1838 than in 1841."

So that with regard to those two main objects of the Bill, I gave my support to the Bill in 1843, and voted for going into Committee. If I were to say now that I had reconsidered the subject, and that I thought no Bill was now necessary, though I might get many hon. Members to agree with me in this step, yet it would be impossible to say that I was consistent, as this proceeding would be quite inconsistent with my previous declarations. It would be quite inconsistent too with my former course. For ten years I supported Bills of this description when in office, and in 1843 I voted for a similar Bill. Then I voted for going into Committee. There were many clauses in the Bill which I thought objectionable. I thought the branding clause was especially so; and though there was no great tyranny in it, I thought that it was a vexation which ought not to be introduced into an Act of Parliament; and I moved the omission of that clause. I moved some other Amendments, in which I did not succeed; yet I did not support a Motion on the Report, the effect of which would have been to reject the Bill; nor did I vote against the third reading, or make any further opposition to it in consequence of the introduction of those clauses. If that be the case, is it not competent for me to consider which of the two is the greater evil—to continue a Bill, some of the clauses of which I think highly objectionable, or to part altogether with the power of putting any restriction on the possession of arms in Ireland? With respect to those clauses, I still entertain the opinion which I have before expressed. Perhaps those who proposed them may have changed their opinions, and may not think them efficacious now. I think them vexatious; but I agree with the hon. and learned Gentleman the Recorder for Dublin, that a good deal of the vexation is over now—with respect, for example, to the registry of arms—with respect to the sessions to be held specially for that purpose—that is all over. The greater part of the arms have been branded, and any vexation that is likely to take place on that account, between this time and May next, must be very trifling in amount. But with respect to this subject, I would observe, that we are now on the second reading of this Bill. If Gentlemen think with regard to any of those clauses, that they ought to be expunged from the Bill, it will be in the power of the House to accede to their wishes, and to make those Amendments in Committee, leaving out those clauses which they think will operate vexatiously and injuriously. But that is not the question to-night. The question is, whether the House will agree with the hon. Member for Montrose, that this power ought to be altogether taken away, and that all persons whatever in Ireland should be at perfect liberty to have any arms they please, to introduce any quantity of gunpowder they please into the country, and to sell that gunpowder and those arms in the interior, on the coast, and in all parts of the country. I say that in the short time I have had to consider the subject, I am not prepared to say that there should be so total a change in the legislation of Ireland. I do not say that the law ought to be maintained merely because it has existed for fifty years; but I say, as I said in 1843, that the tendency of throwing out this measure would be to increase outrage, to increase faction fights, and to throw difficulties in the way of the police, who are seeking to repress offences, or to bring the offenders to punishment. In our recent discussions on the Bill for the protection of life in Ireland, very few of those who opposed it, doubted that there had been many murders, or that the crime of deliberate assassination, as pointed out in the Queen's Speech, had not been of frequent occurrence. They did not take that line; but they said that the Bill was not calculated to check those offences. But if you see that these offences have been rife so lately as December and January last, and that they may be rife in December and January next—if you give an entire license to the people to have what they choose, then I do say my belief is that you will be giving encouragement to outrage, and that there will be more offences against life, than if you allowed this Bill to continue. If that be my opinion, I cannot shrink from the duty of proposing a second reading of this Bill. I cannot shrink from the duty of asking this House, however unpopular the measure may be, still to continue some restriction on the possession of arms in Ireland. The declaration in the preamble of all these Bills is, that they are to prevent improper persons having arms. Now I wish the House to observe, whatever ridicule may have been thrown on the argument of the right hon. the Recorder of Dublin, that it is a different thing to continue a law in England, by which all may have arms, and to abrogate a law in Ireland, by which restrictions are placed on the possession of arms. I have no doubt that the throwing out of this Bill would encourage many of those malefactors in Ireland, who go about deliberately offering their assistance to commit murder for money. [Mr. DUNCOMBE: Hear.] Does the hon. Member mean to say there are no such persons? [Mr. DUNCOMBE: No; I say that on that principle this Bill is permanent.] But I will not admit that. I say, that taking away this power altogether, and at once, will have that injurious effect. I do not believe when we come to this question next Session, that we shall be able to part at once with the whole of this measure. I should be very glad if we could come to that conclusion; but my impression is, that you should take away all the more vexatious parts of this measure, and that you should rather get rid of this legislation gradually, than give it up all at once. If you reject this Bill now, every body will know that it has been done without deliberation and without forethought, merely because it was an unpopular Bill. On the principle on which the hon. Member for Birmingham (Mr. Muntz) advised us to act, I am not prepared to proceed. I am not prepared to say that to avoid any unpopularity that may fall on the Government, still less for the sake of avoiding the loss of power which might happen to the Government, could I refrain from asking the House to confer powers which I think ought to be conferred on the Executive. It is our bounden duty, so long as we are in the Executive, to ask for powers which we think will maintain peace and tranquillity in Ireland. The hon. Member for Winchester (Mr. Escott) himself cheers that sentiment, and at one time he was not of opinion that this Arms Bill was unnecessary, for I had the happiness of voting with him in the same division on a former occasion. But be that as it may, I repeat that it is not for the sake either of maintaining office or of retaining popularity, that I would refrain from asking for those powers which I conceive to be necessary, and which are contained in this Bill. At this late period of the Session, and with the thin attendance of hon. Members, I think it is most advisable to reserve the measure as a permanent one, or one to be wholly abolished, for full consideration when there can be a more ample attendance. The hon. Gentleman the Member for Wycombe (Mr. B. Osborne) said, he believed the present Government had the confidence of the people of Ireland, and that their accession to office had given a feeling of security in Ireland. If that is the case, are we not entitled to some consideration when we risk the good opinion of the people of Ireland by bringing forward a Bill which cannot add to our popularity, and which some say will take it entirely away? For my part, I am willing to incur the risk. I hold that whoever was in the Government would be bound to incur the risk. The former Government thought the Bill which they brought forward for the protection of life necessary for the protection of life, and they did well, in my opinion, in pressing it forward. The hon. Member for Finsbury, I suppose, thinks he gives some annoyance to the Government when he passes such panegyrics upon the right hon. Gentleman the Member for Tamworth, late at the head of the Government. I assure him he gives no annoyance to me, because I agree in what he says, that the right hon. Baronet did make great sacrifices when he brought forward his measure for the alteration and repeal of the Corn Laws. I think praise must ever attend him upon account of the sacrifice he then made, and for the course he then took. It cannot, therefore, be at all irksome to me if the hon. Gentleman bestows his praises upon the right hon. Baronet. The hon. Gentleman is always careful to say how very deserving the late Government were, and how much he admires their conduct. It is a great pity, if he admired that Government so very much, he did not do more to preserve them in office. If the hon. Member had thought how much he should lament their fall, he might have given them his continual support. However, the matter now before the House is, whether you will give a second reading to this Bill. As I have said, I am ready to listen to anything that can be said, when we go into Committee, as to whether it should be a simple continuance Bill, or whether some of the clauses should be altered. [Mr. Escott: They cannot be altered.] The hon. Gentleman is mistaken. The Bill provides that the Act shall continue in force a certain time, and it is possible to alter some of the clauses. But this I must say, I am not prepared at the end of the Session to consent to part altogether with the restrictions which this Bill places upon the sale and disposal of arms in Ireland. I shall be glad when the time comes for altering the Bill to consider any suggestions that may be made, but at present I am not prepared to do so, and I must press the second reading.

Lord SEYMOUR asked the noble Lord whether he would consent to strike out of the Bill those clauses which he voted against when he sat on the other side of the House? He had no wish to embarrass the Government; but he thought it desirable to know if they would reject those odious clauses against which they had voted and divided the House fifty-one times.

Mr. MILDMAY had come down to the House prepared to support the Government in voting for a renewal of this measure; but after the extraordinary reasons he had heard given by them within the last hour for supporting it, he really felt bound to come to the conclusion of not being a party to its passing. They had declared that they thought it a bad measure, but that as there was no time to improve it this Session, they must content themselves with proposing its renewal till next Session. Why, they had not hesitated, late as the Session was, to propose a Sugar Duties Bill; and if they were justified in doing that, he thought they ought also to have made the present measure perfect before asking the concurrence of the House to it.

Mr. GOULBURN said, that from the part he had taken on a former occasion, he did not apprehend that the course he was about to take on the present occasion could be matter of doubt. The question was one too important to be decided by reference to the consistency of any Government. The question was, whether the withdrawal of this Bill would be consistent with the tranquillity of Ireland? Considering the extent to which crime prevailed in Ireland, the late Government had satisfied their conscience by proposing a measure with a view to its repression; and although the House had come to an opinion that that was a measure beyond the necessities of the case, and had refused to confide in the Government of which he was a Member, he was not yet prepared to say that the state of Ireland was such as not to require the continuance of laws which had hitherto been found in a certain degree effectual for the repression of crime. The fact was, that upon the present occasion—whatever objections he might individually feel to some parts of the Bill—however he might feel that it had not been so effective for the repression of crime as he had at first anticipated—it would be the highest rashness and imprudence, with the Government announcing that they were distinctly of opinion that it was necessary for the preservation of the peace of Ireland, and for diminishing the evils which existed there—having himself been sensible of the extent to which crime prevailed in Ireland—it would not be consistent with his sense of public duty if, in those circumstances, he forebore to give his support to the measure before the House.

Lord J. RUSSELL had been asked a question by his noble Friend (Lord Seymour) to which he was anxious to give an answer. Undoubtedly the Government were of opinion that the best course for the House to adopt now was, without entering into the particular clauses of the Bill, to continue the existing Act. When he was asked whether he would agree to alter certain clauses, that would be to go through all the details; but if the noble Lord meant two or three of the most objectionable, to any such proposition he would give a ready hearing and consent to proper Amendments.

The House divided on the Question, that the word "now" stand part of the Question:—Ayes 56; Noes 23: Majority 33.

List of the Ayes.

Anson, hon. Col.
Bannerman, A.
Baring, rt. hon. W. B.
Berkeley, hon. Capt.
Berkeley, hon. G. F.
Bodkin, W. H.
Broadley, H.
Brocklehurst, J.
Brooke, Sir A. B.
Buller, C.
Cowper, hon. W. F.
Craig, W. G.

Dundas, Adm.
Dundas, D.
Ebrington, Visct.
Estcourt, T. G. B.
Ferguson, Sir R. A.
Forster, M.
Fox, C. R.
Gibson, rt. hon. T. M.
Gladstone, Capt.
Goulburn, rt. hon. H.
Greene, T.
Grey, rt. hon. Sir G.
Hamilton, G. A.
Hamilton, Lord C.
Hawes, B.
Heneage, E.
Hobhouse, rt. hn. Sir J.
Hogg, Sir J. W.
Jervis, Sir J.
Jones, Capt.
Labouchere, rt. hon. H.
Macaulay, rt. hon. T. B.
Morpeth, Visct.
Nicholl, rt. hon. J.
O'Conor Don.
Palmer, G.
Palmerston, Visct.
Parker, J.
Pigott, rt. hon. D.
Rich, H.
Rumbold, C. E.
Russell, Lord J.
Rutherfurd, A.
Seymour, Lord
Shaw, rt. hon. F.
Sheil, rt. hon. R. L.
Smith, rt. hon. R. V.
Somerville, Sir W. M.
Spooner, R.
Stewart, P. M.
Ward, H. G.
Wilshere, W.
Wood, rt. hon. C.
Wyse, T.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Baine, W.
Bowring, Dr.
Bridgeman, H.
Browne, hon. W.
Collett, J.
Crawford, W. S.
Duncan, G.
Escott, B.
Evans, Sir De L.
Horsman, E.
Martin, J.
Morris, D.
Muntz, G. F.
Napier, Sir C.
Norreys, Sir D. J.
Osborne, R.
Pechell, Capt.
Protheroe, E. D.
Sibthorp, Col.
Warburton, H.
Wawn, J. T.
Williams, W.
Yorke, H. R.

TELLERS.

Duncombe, T.
Hume, J.

On the main Question being again put,

MR. T. DUNCOMBE wished to know distinctly whether the noble Lord would consent to the omission of the objectionable clauses of the Bill? Several hon. Members had understood the noble Lord to say, that he would consent to their omission, and he had got several votes in consequence. If the noble Lord would get up and say that he would omit those clauses, he should receive no further trouble from him with regard to this Bill. The clauses against which the noble Lord formerly made a strong speech were those which related to the branding and registering of arms. If Government were not prepared to legislate for Ireland in the same spirit and on the same principles in which they legislated for the United Kingdom, the sooner they went out of office the better. The division which they had just had would strike the people of this country with astonishment. If Government would dissolve Parliament on this Arms Bill, they would soon see what the people thought of them. He was at a loss to know how the hon. and learned Member for Dungarvon (Mr. Sheil) could reconcile the vote which he had just given with the speech he made on the subject two years and a half ago, in which he said that it was "tyranny elaborated into every form that coercion could conceive." Was the noble Lord the Member for Totnes (Lord Seymour) satisfied with the answer of the noble Lord at the head of the Government? If the noble Lord intended to omit these clauses, let him say so at once. The noble Lord had not yet said so. The noble Lord's answer was equivocal—he said that he would take the matter into consideration. But they all knew what a Minister meant when he said that he would take the matter into his consideration. It meant that he would do so and so if he had a majority at his back.

LORD J. RUSSELL said, the hon. Member for Finsbury asked—whether he would consent to leave out "these clauses." It was difficult to give a straightforward answer to such a question. What did the hon. Gentleman mean by "these clauses?" He had, however, no hesitation in saying, that there were certain clauses in the Bill to which he had strongly objected, and that he had no objection to their being omitted. As the original Bill was to be reprinted, he must take some days to consider the matter.

MR. HUME remarked that it was hon. Gentlemen opposite, and not those on that side of the House, who had carried the second reading. It would have been better if Government had allowed the Act to expire, and if they had commenced their government of Ireland with conciliation instead of coercion.

MR. LABOUCHERE admitted that when he moved the second reading, he stated that he thought the wisest course the House could take was, not at that period of the Session to go through the whole of the clauses, but to trust to the opinion avowed by the Government, that the present was an imperfect measure, and that it would be taken up and fully considered next Session. After having heard the discussion that followed, he still retained that opinion. At the same time, as several Irish Members were desirous, not that the Government should review the whole Bill for the purpose of altering it so that it might be altogether approved of, but that some of the more prominent and objectionable parts should be struck out, he was quite ready to admit that he agreed with his noble Friend at the head of the Government in his disposition to defer to that wish, and that he should be most ready to undertake the task imposed upon him. He would consider what were the most objectionable parts of the Bill, which he thought would be found to be those clauses which related to the branding of arms and domiciliary visits. But that he should do on the distinct understanding that he did not support the rest of the Bill as a proper measure. He should reserve his opinion upon that point until next Session, when he hoped to have an opportunity of introducing a measure on the subject.

Bill read a Second Time, and ordered to be committed.

CONSTABULARY (IRELAND).

Resolution to provide for the Constabulary of Ireland out of the Consolidated Fund reported. On the Question that it be agreed to,

Mr. **WILLIAMS** said, he had heard no reason assigned why the Irish constabulary should be placed upon a different footing from the police of this country. The expense of that force was upwards of 400,000*l.*, and he was at loss to know why this country should be obliged to bear that expense. Besides, he did not know where the amount was to come from, unless some new tax was to be imposed.

Mr. **HUME** also objected to the vote. He denied that the Irish counties generally would be benefited by the boon. The entire benefit would, in fact, go into the pockets of the landed proprietors, who would be sure to raise the rent to the full amount of the reduction. Besides, the charge for the police was a kind of fine on the disturbed districts, which he thought it would be imprudent to remove. He would certainly take the sense of the House on the vote. He did not know on what ground it was defended, except that the right hon. Gentleman the late Premier made some such assurance on introducing the Corn Bill.

Mr. **LABOUCHERE** said his hon. Friend attributed this measure to a hint thrown out by the late Government; but so far from its being a hint, he did not think he ever heard a more distinct promise than that this relief should be given to the Irish counties. The hon. Gentleman also said that it would be no relief to the counties generally; but so far from that being the case, the county cess, of which this formed an important item, was felt to be one of the greatest burdens which the people had to pay; and he believed the present measure would be gratefully and thankfully received. He hoped the House would not refuse its sanction to a plan which had originated with the late Government, and which had been taken up by Her Majesty's present Ministers.

Mr. **HUME** said, as he understood there were other sums to be asked for, he would not press for a division until the Bill came before the House, but he would then certainly offer every opposition in his power to its progress.

Resolution agreed to.

SUNDAY TRADING.

Mr. **HINDLEY** presented and moved the First Reading of a Bill to prevent Sunday Trading.

Mr. **C. BERKELEY** moved that the Bill be read a first time that day three months.

Mr. **HINDLEY** said, that all he wanted was to have the Bill read a first time and printed, and if the second reading were strongly opposed, he would not of course press it.

Colonel **SIBTHORP** hoped that as the Bill was an important one, time would be given for further consideration.

On the Question being proposed, only fourteen Members were present.

House adjourned at a quarter to One.

HOUSE OF LORDS,

Tuesday, August 11, 1846.

Minutes.] Public Bills.—1ª· Deodands Abolition (No. 2); Militia Pay; Forms (Assessed Taxes); Patent Commissions; Waste Lands (Australia).

2ª· Highway Rates; Loan Societies; Turnpike Acts Continuance; Stock in Trade; Copyhold Commission.

Reported. Prisons (Ireland); Grand Jury Cess Bonds (Ireland); Books and Engravings.

Petitions Presented. From Hounslow and Budleigh, for the Abolition of Flogging in the Army.—From the Chamber of Commerce and Manufactures of the City of Edinburgh, against the Joint Stock Banks (Scotland and Ireland) Bill.

FLOGGING IN THE ARMY.

Earl **FORTESCUE** presented a petition from Budleigh Salterton, praying for the abolition of the practice of flogging in the army. The noble Earl said, he had seen with the greatest satisfaction a statement made by a noble Friend of his, in another place, with respect to an order given by the noble Duke on the cross benches (the Duke of Wellington) to limit the punishment of flogging in the army.

He hoped that the effect of an alteration in the law respecting military flogging, coupled with other improvements in the condition of the soldier, would tend at no distant period to the discontinuance of this punishment altogether, without any interference with that high state of discipline which the British army had so long maintained. With regard to the unfortunate transaction which had particularly directed public attention to this subject, he could only speak from common report; but as he was acquainted with the gallant officer whose name had been brought prominently before the public in connexion with it, he trusted that he should be permitted to say a few words with respect to that gallant officer's character. Of his character as an officer, he could only speak from common report; but being from the same part of the country as that officer, whose family were near neighbours of his, he knew him to be one of a large family of small means; and that he did not owe his promotion in the service to the influence of his family or to his fortune, or any other cause than the manner in which he discharged his duties as a soldier. With limited means (in fact, with very little beyond his regimental pay), and in a regiment the officers of which were generally men of independent fortune, he had always maintained his character as a gentleman, and obtained the respect of those who served with him. From what he (Earl Fortescue) had seen of him in society, he should say that there was no likelihood of his being guilty of an act of unnecessary severity, much less of wanton and heartless cruelty.

The EARL of RADNOR also presented a petition, from a meeting held at Hounslow, against military flogging, and expressed his satisfaction that the abominable and detestable practice had been diminished of late years, and he hoped that the changes which had recently taken place would lead by degrees to its entire abolition.

LORD BROUGHAM said, that in 1836 the subject was brought before the House of Commons, and gave rise to a great deal of discussion. An inquiry then took place, in which they had the advantage of the opinion of his noble Friend on the cross bench (the Duke of Wellington), and the result had been of great benefit to the House and the public in forming a just view of the question. He (Lord Brougham) was induced by that opinion to reconsider the subject, with the light afforded by the noble Duke; and that led him to adopt the opinion which had been expressed, approving of the recent diminution of punishment. He wished, with respect to Colonel Whyte, not to add the testimony of his personal knowledge, but to state that, having had some communication with a member of his family, who was a member of the profession, to which he (Lord Brougham) belonged, he had inquired into the subject; and he was informed that there never was anything more groundless than the charge of cruelty against that officer. His manners in society were most amiable, and as an officer he was never rigorous, though properly just and strict in discipline. It often happened that a single expression was taken an advantage of; and in this case he (Lord Brougham) believed that an expression which Colonel Whyte used—a light and flippant word—was the origin of this charge against him : it was an unfortunate expression, but it vanished into nothing compared with the punishment.

The DUKE of WELLINGTON: My Lords, it is my duty, in considering the conduct of the gallant officer whose name has been mentioned; and in referring to the subject brought forward by the noble Earl who first addressed you, and the noble Lord who followed him, as well as by my noble and learned Friend, to assure your Lordships I have no doubt whatever in stating that the slightest blame does not attach to that officer in connexion with the late unfortunate transaction. With respect to the subject generally, it has long been the wish of all those connected with the command of the army, and particularly of the illustrious individual who was my predecessor in that command, that the punishment should be diminished in the greatest possible degree. It has been my invariable practice, since I first had the honour of a command in the army, to make every endeavour to diminish the punishment, so as, if possible, to lead by degrees to its entire discontinuance. My Lords, this has been the object of all my arrangements throughout the service, ever since I first commanded a regiment, now not less than fifty years ago. But really, my Lords, the fact is, that it is impossible to carry on the discipline of the British army without some punishment of that description which the individual shall feel. This has been found to be invariably the case; and so much has it been the case, that even when it was thought possible to discontinue it altogether, as had been recently tried in the East Indies, where, under an order of the late Governor General the punishment was entirely discontinued, it was found necessary to re-establish it, owing to the impossibility of carrying on the duties of the service without it, the troops amongst whom it had been abolished having mutinied in the most remarkable and disgraceful manner—in a manner, in fact, calculated to disgrace their country and the nation in the service of whose Government they were acting. It was therefore found necessary to re-establish the punishment in that army in which it had been discontinued. My Lords, in consequence of the feeling of the Government, of the Parliament, and of the public on this subject, I have taken upon myself to issue an order greatly to diminish the severity of the punishment; and I hope, with the arrangements made in future, and with an alteration in the law, it may still further be diminished, so as to lead to its final discontinuance. I must, however, beg your Lordships to observe, that if we are to have an army we must have it in a state of discipline—a state of subordination to command, and of obedience to the State. This country does not like an army under any circumstances; but in no case would it bear any but the best troops that can be had. We must have the very best troops in this country, and in every part of the world where we employ them. We require the best conduct and the most perfect subordination and order; for I assure your Lordships that our troops are now at this moment engaged, and are constantly engaged, in the daily performance of services which you could not require—nay, I will go further, and say, which you could not have from any other troops in the world. They are constantly in the course of embarkation in vessels carrying convicts from this country to Australia; guarding these convicts in small detachments of infantry, commanded by a subaltern, the number of convicts being frequently from 300 to 400. My Lords, it is most surprising, under these circumstances, that it should be so, and yet I do not recollect any misfortune occurring during those long voyages under the command of a subaltern officer, assisted by non-commissioned officers, taking charge of a ship conveying so many convicts. This is going on every day without any misfortune, and in some few cases where shipwrecks have occurred, our troops have conducted themselves in the most remarkable manner, in a way which gained the confidence of all those around them. On these occasions the officers of Her Majesty conducted themselves in a manner which tended to save the life of every individual on board. It is necessary for me now to remark—and I entreat your Lordships to remark—that you cannot have an army if, unfortunately, it should lose its discipline and habits of subordination and good order; but your Lordships may rely upon it that I will continue to do what I have always endeavoured to do, that is, to diminish the punishment as much as possible, and I hope I may live to see it abolished altogether.

The Duke of **GRAFTON** wished to know whether the officers of our army who had so distinguished themselves in the cases alluded to by the noble Duke, had been promoted or rewarded for their conduct?

The Duke of **WELLINGTON**: Yes.

INDEPENDENCE OF CRACOW.

Lord **BEAUMONT** rose to submit to the consideration of their Lordships the Motion of which he had given notice, namely—

> "That an humble Address be presented to Her Majesty for Papers and Correspondence between this Country and the Courts of Vienna, Petersburgh, and Berlin, respecting Events which have recently taken place at Cracow, in violation of the Treaty of Vienna."

He was fully aware of the disadvantage under which he laboured in bringing forward, at this period of the Session, and in the present condition of the House, a Motion which referred to a question of general European interest, rather than to one of local interest. But over and above this disadvantage, there generally attended Motions of this sort a kind of reluctance to interfere. Still, notwithstanding these disadvantages, he felt he should scarcely be fulfilling his duty if he did not attempt to urge their Lordships to take into consideration, as well as place before them, such Papers as referred to recent events in the city of Cracow and the neighbourhood. He felt this obligation upon him in consequence of the amount of correspondence he had read, and the information he had received upon those events; and he was convinced, that if that information were laid before the House, their Lordships would see the absolute necessity, as well as the duty, of some expression of interest in those events being displayed in this country. He founded his claim to their Lordships' attention to this subject upon three specific grounds. He claimed it, in the first place, upon the ground of the necessity of seeing carried out and enforced the treaties to which this country was a party. In the second place, he grounded the necessity of drawing their Lordships' attention to the subject upon that great question of political interest, the European balance of power, which was necessarily involved in it. And, in the third place, he claimed attention upon the broad grounds of humanity, because the events to which he referred as having taken place, were a flagrant violation of the common laws and rights of men, because they exhibited a want of civilization and a breach of humanity, which he trusted would never be repeated. He might, indeed, venture to say, with confidence, that if these deplorable events were properly noticed upon the present occasion, they would never again occur in any civilized country. The first ground he took was the violation of Treaties. The Treaties to which he referred were that of Vienna, and the Treaties which accompanied it. Their Lordships were aware that a special Treaty was entered into between Russia and Austria on the 3rd of May, 1815; on the same day another special Treaty was entered into between Russia and Prussia; and a third Treaty was made the same day between Russia, Prussia, and Austria. These three Treaties were subsequently made part and portion of the great Treaty of Vienna, which was signed on the 9th of June, 1815; they were embodied in the text of the Treaty made by the Congress at Vienna. One of the articles of this Treaty specially mentioned that every portion of the previous Treaties should be binding, whether or not it was introduced into the Treaty of Vienna. The most important portions, however, were specially mentioned. He would read the words of the articles to which he referred. He maintained that the Treaty of Vienna had been violated in its spirit, and violated in its letter. In one article, with regard to which the spirit had been violated, it was said—

> "Les Polonais sujets respectifs de la Russie, de l'Autriche, et de la Prusse, obtiendront une representation et des institutions nationales."

The Treaty went on to specify that the three Powers were bound to respect the independence of Cracow:—

> "La ville de Cracovie avec son territoire sera envisageé comme cité libre independante et neutre."

And then it added this remarkable passage:—

> "Aucune force armée ne pourra jamais y etre introduite sous quelque pretexte que ce soit."

Having read these passages, he would proceed to show their Lordships how he considered that these specific articles of the Treaty of Vienna had been violated. He should refer to events so recent as the commencement of the present year. In the month of January and the beginning of February, many rumours were spread through different points of Posen and Gallicia, which reached Berlin and Vienna, that it was possible an outbreak against the constituted authorities might take place in those countries. There were certain refugees, ill-intentioned persons, who made their appearance in those parts, and there was some probability of disturbance. That these apprehensions reached the ears of the Austrian Government at Vienna was well known now, because Prince Metternich had communicated them to the French Government. The conduct of Austria upon this occasion differed widely from that of Prussia. No sooner was Prussia made acquainted with the circumstances, than she took precautions to arrest and prevent the outbreak. The persons—and they were very few—who seemed likely to take part in it, were immediately arrested; and means were taken in Posen to prevent and check the disturbance. But by Austria no such precautions were adopted; no means were applied to arrest the persons who were suspected, or to check the outbreak, should one take place. The troops, even, were not placed in such a manner as to crush the rising, however extensive and violent it might threaten to be. In short, Austria took no precautions whatever, notwithstanding her knowledge of the events which were likely to happen. Towards the 17th of February, the rumours still spread and increased. He would now shortly state to their Lordships what had taken place in Cracow from the 18th to the present day, and leave them to consider whether the letter of the Treaty had not been violated. Of course, their Lordships were aware that the republic of Cracow was as perfectly independent *de jure* as France or any other State. Her independence had been acknowledged by all the great Powers of Europe. Three residents from those Powers were accredited at Cracow; and Cracow exercised a totally independent jurisdiction, and was supposed to have a perfectly independent Government. This Government might have become alarmed at the rumours which were abroad, and it was true they might have expressed some fears to Austria; but whether this was the case or not, the events which he would describe certainly took place. On the 18th of February, to the astonishment of every person in Cracow, an Austrian army marched into the city, under the command of General Colin. A sudden stop was at once put to business: trade, commerce, and amusement were at an end; the people were aghast with astonishment. On the 19th, no particular events occurred, but general consternation still prevailed. Strict orders were issued by the Austrian general, prohibiting persons from being out beyond certain hours; and, in fact, military law prevailed. It was on the 20th that the first symptoms of anything like disturbance took place; it was as the people were returning from the theatre, after which two individuals were arrested in different parts of the town, who he had reason to believe were at that time seeking to disturb the peace. On the 21st, something more serious took place, but still of a trifling nature in itself. There was a tavern in one of the chief streets; in this tavern a few persons, headed by the tavern-keeper himself, barricadoed the doors and fired from the windows upon the troops; but they were immediately assailed and taken. The troops then fired into the streets, whereby some innocent victims were killed, and one or two persons, being found with arms in their hands, were arrested. This disturbance, which was very trifling, for it was concocted only by some twenty or thirty persons, was entirely suppressed and put down with the greatest facility by the large force under the command of General Colin. The 22nd was Sunday. The churches were ordered to be closed, and no service was allowed to be celebrated in them. The shops were also closed. The troops marched through the town at different parts of the day. As might be expected from the circumstances, one or two accidents took place; an unfortunate man was shot because he went out when he was ordered otherwise, but there were no symptoms of further outbreak. The people indeed were perfectly quiet, when, to the greatest astonishment and alarm of every body in Cracow, at five o'clock in the afternoon of Sunday, General Colin evacuated the city with the whole of his force—with the three residents—with all the Members of the Government, and every single *employé* down to the lowest menial who swept the floors of the public offices. Cracow was then left without a single authority of any description; there was no force for its protection, not even a sentinel at the prison. Not a single person was left charged with responsibility in the entire territory, containing 130,000 people: all responsible authority disappeared. Under these circumstances, and after some time, one or two leading and respectable persons attempted to form a provisional Government for the sake of security, and to keep things calm and quiet until they perceived what measures were being taken exterior to the republic. On the 23rd this short-lived provisional Government was put down, laid aside, and its functions usurped by five or six individuals who came from Gallicia, and who were the suspected persons to whom he had already alluded as not having been arrested. Of course those parties must have passed General Colin's army before they could reach Cracow; at all events they seized upon all authority, and formed themselves into a revolutionary Government. They issued all sorts of proclamations; amongst them was one for an equal division of lands, and various inflammatory documents enticing the peasants to rise against their masters. Their communist opinions led them to try these measures. In the territory of Cracow no one responded to them, and not a single noble was taken. Notwithstanding the misconduct of this revolutionary Government the whole of the people behaved perfectly well, and observed the utmost regularity. Though the doors of the residents' houses were open, and their bureaux accessible, not a single paper was touched. The people, with a Government professing such barbarous opinions, and abandoned by their own authorities, kept order as well as it possibly could be kept, and nothing of any alarming character occurred. The leader of the revolutionary Government being a great communist, contrived to get together a force of some twenty or thirty persons, with arms, to carry out their views. Such a force must have been perfectly contemptible; nevertheless they advanced to the Vistula. Between Cracow and Podgorze there was a bridge. General Colin had retreated to Podgorze. This small body of men under the revolutionary chief advanced to the bridge, and General Colin with his whole army retreated before them. This was on the 25th. Encouraged by this success, on the 26th this small band of revolutionists pressed the Austrians, but they were not quite so successful as on the former occasion, for they met a body of peasants, or soldiers disguised as peasants, commanded by an Austrian officer, and a skirmish took place. On the 27th the people, alarmed at the state of the country and at the conduct of the revolutionary Government, astonished too at the retreat of General Colin, and hearing moreover of the frightful murders in Gallicia, where the peasants had risen and were massacring their masters, determined upon forming a religious procession, to pass the frontier, and try to induce the peasants to desist from these atrocities. With crosses, crucifixes, and religious banners, a large body of persons sallied forth from Cracow and advanced towards Gallicia, when the Austrians attacked this peaceful band. Many perished, and the rest fled back in alarm and consternation into Cracow. General Colin did not even then enter Cracow after he had driven back this procession, and the people of the city sent some persons to endeavour to confer with him. At first he refused to see them, but afterwards he said they might send some of their leading men. On the 1st of March they negotiated; the terms required by General Colin were extremely severe; namely, the submission and surrender of the whole provisional Government, and various other conditions, and they were not agreed to. On the 2nd of March, General Colin still appearing ignorant of what was passing on the other side of Cracow, a Circassian regiment belonging to the Russian army arrived in the city. The alarm was such, that they received this Mahometan regiment with the greatest joy. The revolutionary Government fled, crossing the frontier upon the Russian side, and for a short time the city was kept quiet and defended by this small detachment from the Russian army. No sooner did General Colin hear this, than he entered the city upon the Podgorze side, and then began a struggle between severity upon the part of the Austrians, and kindness on the part of the Russians. The three residents then returned; various conferences took place, and upon the 7th the Prussians, who showed still more leniency than the Russians, arrived, and they were extremely well received. For a short time Cracow remained in possession of the troops of the three Powers; but afterwards, to the alarm and dread of the people, both the Prussian and the Russian troops withdrew. The three residents also withdrew; their arms were taken down from their residences. An Austrian garrison alone remained in Cracow. The two other Powers had not a single representative; and since that period all authority had been administered as if Cracow was an Austrian town and an Austrian garrison. Now, he asked their Lordships with some confidence, whether this was not a violation of that article in the Treaty of Vienna which said, that under no circumstances should the force of any Power occupy that territory? He admitted that outrages might occur so grave in their character, that it might be policy to override the Treaty, and not to adhere strictly to the letter. He should have felt somewhat less cause for complaint if the whole of the three Powers had remained for a time in occupation, after what had taken place; but he did complain, and he thought with reason, that the town of Cracow had been converted into an Austrian garrison, and the utter destruction of its independence accomplished. He had already mentioned that Austria had taken no precaution to arrest the persons who were concocting the outbreak, although the knowledge of them existed at Vienna. Precaution, however, was taken—and a most unfortunate one it was—by the Austrian Government to allow and encourage them. Perhaps he might be wrong in using the word "encourage;" but it was a positive fact that the authorities in different parts issued certain proclamations, calling upon the peasants "to defend the Government" and to "stand true to the Emperor." One such was issued in the circle of Tarnow; and this proclamation held out a reward to any peasant who would bring any persons whom they suspected before the authorities. They were told that if they could not get them by one means they must by another, and that they must arm themselves with scythes, or any other weapons they could procure. The noble Lord then read a translation from the original Polish of one of these extraordinary proclamations. He had several other documents to the same effect, which he need not trouble their Lordships by reading. It was evident that the proceedings which had taken place were founded on the barbarian institutions of the middle ages, under which the retainers were called on to defend their country, and, literally speaking, might be no violation of the law existing in that part of Gallicia. What he blamed the Government for was, that they resorted to these means of suppressing the rebellion, if any existed, and that they did not resort to the ordinary aid of the police and army, as was done in Posen by the Prussian Government. In the grand duchy of Posen the Prussian Government most effectually prevented the effusion of blood, and established a state of peace and tranquillity, for which they were deserving of the thanks and the admiration of Europe. The result of the proclamation to which he had alluded was, that the peasants in the Austrian territory of Gallicia rose in many parts and committed those violent ravages which were so much to be regretted. It was not the immediate retainers of the nobles that burned the castles and murdered the families of those nobles, but these atrocities were generally perpetrated by other persons, who often came from a distance, and who attacked the castles either for gain or to wreak their vengeance on the inmates. In this manner the castles of persons whom the assailants only knew by reputation were attacked in distant places from where their assailants resided. This was justified by rewards having been offered by the Government of so many florins a head for every one of the disaffected, and also for bringing in alive or dead any one suspected of being involved in the intended rebellion. Several of those outrages were committed, and murders perpetrated in order to obtain the rewards. One person, who had earned a guilty notoriety, led bands of the peasants through the country, and attacked castle after castle, murdering men, women, and children in their course. He could go through a most deplorable list of the sufferings of various noble families, and weary the House with the names of the sufferers. He held in his hand a letter written by the sole survivor of one noble family, a young lady whose father and mother had been murdered by the peasants; and he had seen another letter, from a person whose wife and children had been murdered, and who, having escaped himself, was now applying to the Emperor for redress. One noble family was massacred in a frightful manner, and fifty or sixty of their retainers put to death. He was free to admit, however, that in his opinion the Government of Vienna were ignorant at the time of the excesses which had taken place, and that the blame was chiefly to be attributed to the local authorities. He believed that the Government of Vienna were really under the impression that the attacks of the peasantry were directed against those who had attempted the revolution, and who were in connexion with those emissaries who, according to Prince Metternich, had been for some time previously perambulating the Empire. Unfortunately, however, those persons who were not guilty of any such designs equally suffered, and had their castles attacked and their families murdered. He had not heard of any charge having been established against the principal sufferers which could in the least degree show that they had any participation in, or knowledge or cognizance of, any designs to cause a revolution. He would again repeat that he acquitted the Government of Austria of any foreknowledge of these crimes; and he believed that if the Government had known the extent to which they were carried on, it would have checked them. But he should at the same time charge the Austrian Government with having neglected to take the necessary precautions, by means of which they might have prevented the outbreak, and have avoided the servile war which had since taken place, and in which nobles who were innocent of any designs against the Government, had suffered so severely at the hands of the peasants. How different was the conduct of the Prussian Government with regard to Posen from that of the Austrian Government in Gallicia! Their Lordships knew well the course which had been taken by the Government of Prussia in the grand duchy of Posen. A wise arrangement had been made there by which the hateful *corvés* were abolished, and the peasants placed on an improved footing as regarded their tenures; while in Gallicia, on the contrary, some of the most objectionable of the old customs were retained. The result was, that in Posen there was no more danger of a rising of the peasantry against the old nobility, than there was of a rising of the peasantry of this country against the nobles of England. Posen had, therefore, little to complain of beyond the loss of her national independence; whereas in Gallicia every bad institution which had existed before was continued. The proprietors were obliged by the Government to collect the taxes from the people; they were also made to raise the military forces. They were, in fact, turned into a pressgang among the peasantry; and as ignorant people only looked to the persons from whom the orders to them immediately came, a feeling of exasperation against the nobles was created. The nobles were obliged, under penalties, to perform all those disagreeable duties; and the result was, that when an opportunity offered, the peasantry were willing to wreak their vengeance on those from whom they imagined they had suffered wrong. So strong was this feeling, that people went across the country, even to a considerable distance, to take vengeance on those who had injured them. That was a course of proceeding which could not be justified, and that was the complaint he brought against the Austrian Government. He contended that the Austrian Government should not have adopted a course which must have the effect of raising the rancour of the peasantry against the nobles ; and it was, he hoped, at all events, a course which would never again be repeated. As to the proceedings at Cracow, he should express his regret that this country had no consul in that republic. If there had been a British consul at Cracow on the occasion of the late proceedings there, it was probable that all those distressing occurrences might have been prevented. He considered that this country ought to adopt steps for having a political agent in the republic of Cracow; and in this opinion he was borne out by some of the first diplomatists and statesmen of the country. In proof of this fact he might refer to speeches of Sir Stratford Canning, Lord Lyndhurst, and Lord Palmerston. The forcible occupation of Cracow was a matter which this country had a right to interfere in, and he hoped steps would be taken to bring it to a speedy termination. There were two parties among the Poles, between whom a wide distinction ought to be drawn. One of these was composed of the more respectable inhabitants, who took no part whatever in the outbreak; and the other consisted of persons of a wild and restless disposition, who were participators in, or at all events approvers of, the attempt. He thought it would be exceedingly wrong and incorrect in any Government to give the slightest encouragement to these wild individuals, or to hold out to them the least ground of hope that they would ever receive any countenance here. He made this remark in order that the few individuals of this party who might have been forced to come to this country, and who might have endeavoured to excite the people here in favour of their cause, should know that he wished to dissociate them from the great body of the Poles who resided in this kingdom. He would not trouble their Lordships further on this point. He regretted having to occupy so much of their Lordships' time with the subject, and he regretted that he had felt it to be his painful duty to bring the matter forward. But having done so, he would now state to the Government that in asking them for the production of any correspondence that might have passed between the Government of this country and the three Powers, he did not wish to specify any particular papers. He would leave it to the noble Marquess to decide what papers he would think proper to give, and what to refuse. Feeling full confidence in the Government that was now in power, and more particularly in the noble Viscount at the head of Foreign Affairs, he had no doubt but that they would take the right view of this question, and that they would with judgment and discretion endeavour by peaceable means to prevent if possible the recurrence of those monstrous proceedings to which he had alluded. The noble Lord concluded by moving the Address.

The MARQUESS of LANSDOWNE said, it was quite natural that the noble Lord should have his attention much directed to the transactions which had taken place on the continent of Europe, and particularly to those events, painful undoubtedly in their nature, which had recently occurred in the part of Europe to which he had alluded, and which had already been the cause of great calamity and disorder. His noble Friend had adverted, he was bound to say, on the outset, with discretion and temper to the different transactions which had taken place, first, in the republic of Cracow, and secondly, in Gallicia, which latter had also attracted great attention in this country. With respect to the republic of Cracow, it had been correctly assumed by the noble Baron, and indeed it was well known to all their Lordships, that that State derived an independent existence from the Treaty which was concluded at the Congress of Vienna; and he was free to concur with his noble Friend that the Powers which had there assembled, having determined to preserve a monument at least of the ancient kingdom of Poland, which was then abolished, by the formation of that State into an independent republic, a right—perhaps more than a right, a duty—devolved on the States who were parties to that arrangement to see that it was carried fully, fairly, and permanently into effect. That republic was undoubtedly so formed, as even a casual inspection of the extent of population, and still more of the amount of power left to it, must show;

and it had, besides, a guarantee from three of the greatest Powers of Europe, acting before all the other Powers, that its independence should under all circumstances be preserved. That it should be so preserved was the interest of every country in Europe; and no person could lament more deeply than he did that anything should have occurred — whatever might be the origin of these circumstances, or wherever the blame of them should lie—that could afford anything like an apology or justification for a departure, temporary as he trusted it would be, from the independence which Cracow was before permitted to preserve, and which the Government of this country were most desirous that she should at the earliest possible period resume. It was quite true that all these misfortunes had their origin, as had been fairly stated by his noble Friend, in the circumstance of a number of refugees having, after the events which had taken place in the grand duchy of Posen, passed into the republic of Cracow, about the commencement of the present year, and having there, by successful and mischievous efforts, directed not only against Cracow but against other quarters, endangered the peace of Germany, and in fact of the whole of Europe. They associated with them every one that was most turbulent and most disposed to insurrection and to violence in the town of Cracow, and they thus justifiably roused the alarm of all the neighbouring States. The representatives of these States in Cracow, finding the amount of commotion which existed there, and finding the extent of the conspiracy (for there was a conspiracy going on)—finding that an application was made to one of the most eminent Poles known in that part of the world to take part in the insurrection—finding, moreover, that these plots and designs had gained over a large portion of the population, and that from day to day the peace of Cracow and its neighbourhood was threatened—finding these things, all the authorities, all the independent authorities, then took measures to put an end to a state of things so subversive of order, and so threatening to the peace of Europe. They made an application to the Government of Cracow; but that Government admitted that it was incapable of controlling the excitement. It was on that admission, and on the appearance of things in the State, that these Powers took steps to occupy Cracow, and to put an end, undoubtedly by force, but by force which appeared to be justified by the necessity of the case, to that state of things. Under these circumstances, the Austrians did enter and occupy Cracow. With respect to the circumstances that afterwards induced the military body—such as would necessarily form a part of the Austrian army, that is, a well-appointed and well-disciplined force—to retire from that place, those circumstances he was totally unable to explain. After that event, a spirit of insubordination took place, which rendered it necessary that the town should be again occupied. After this state of things had been permitted to continue so long, the forces of the three Powers were employed to put an end to it. He believed that the Austrian forces came in first, but the forces of the other Powers entered Cracow about the same time, and the result had been the military occupation of the town.

Lord BEAUMONT: The Russians were the first to enter the place.

The Marquess of LANSDOWNE: It was quite right: the Russians did enter the place first, and the other troops followed. It was then occupied by the military. He did not know why the other troops retired and left the Austrians alone in possession; but he did not see that this was of any great importance. But seeing the occupation of Cracow by the three Powers conjointly, whether the place was occupied by Russian, Austrian, or Prussian troops, it was a military occupation for the time, deemed necessary by the three Powers. He must say, however, that there must be a limit to this necessity, and the very moment that Cracow could safely resume the position guaranteed under the Treaty of Vienna it would be necessary that the Treaty should be observed. All that he could state to his noble Friend on the subject was, that repeated conferences had taken place between the three Powers for the reorganization of the Government of Cracow. He believed that these conferences had taken place latterly at Berlin; and he had reason to hope—he trusted that he had reason to hope—that Cracow would be relieved of that military occupation of which his noble Friend said that the inhabitants had reason to complain, and restored to the enjoyment of that freedom which the Treaty of Vienna was meant to guarantee to them. There would be no objection to give his noble Friend such information on this subject as was in the possession of Her Majesty's Government; but he would suggest that his noble Friend should make his Motion for communications, or extracts of communications. He should have stopped here, if his noble Friend had not gone from the Treaty of Vienna to the unfortunate circumstances which had occurred in Gallicia. And here he must remind his noble Friend, that he had entered upon a case entirely different from the occupation of Cracow. In the case of Cracow, they had to deal with an independent republic, whose independence was guaranteed by the Congress of Vienna. As for Gallicia, they had only to deal with a State which, as a matter of history, they knew to belong to the Austrian Government; and whatever opinion they might form as to the original occupation of that country, they had no more right to give an opinion as to the internal government of it than they had of the internal government of any other State on the continent of Europe. He would, therefore, not go further than to say that he wished that he could contradict the statement which his noble Friend had made as to what had taken place there. He lamented deeply that he could not contradict him. He did not think that the circumstances alluded to formed matter for diplomatic interference; but as his noble Friend had alluded to the events that had occurred there, he felt called upon to make an observation. He must do his noble Friend the justice to say that in his statement he had shown many cases full of oppression. He (the Marquess of Lansdowne) never could believe that it could be at all proved that the events understood to have taken place in Gallicia—events calculated to disorganize the whole government of that country, and impair the security of property, of life itself—events calculated to produce such lamentable effects—could have taken place with the sanction of such a Government as he knew that of Austria to be; and he believed that whatever had occurred there, had resulted from, to say the least of it, the mistaken conduct of certain persons in local authority. He was sure that the Austrian Government would be the first to place, if it could, the state of that country on its former footing, and that it deplored what had taken place as much or more than would be done here. There were circumstances in this case which were calculated to arrest the attention of every one. He believed, from the character of the Court of Vienna, that it would endeavour to put an effectual end to the state of things described, and which had been the result of mismanagement by local parties, and which must be reprobated by the Emperor and Government of Austria, and by the Government under which Gallicia was directly placed. On this subject, however, he was not disposed to speak further. In conclusion, he would only suggest to his noble Friend, that he should frame his Motion for extracts of correspondence relating exclusively to Cracow; and he would only add, that he had no reason to complain of the terms in which his noble Friend had called the attention of the House to the subject.

The Duke of WELLINGTON felt called upon, as a Member of Her Majesty's Council when those events occurred, to attend to the noble Lord's statement; and he was perfectly satisfied with the statement which the noble Marquess had just made on the subject. There was no doubt that any occupation by the troops of the three Powers of the republic of Cracow, was a breach of the Treaty of Vienna; and it must have been explained, or if not, it must be explained, by the three Powers alluded to which had made this occupation. Although he was a Member of Her Majesty's Council at the time, he was not certain that the subject had been under discussion. The terms of the Treaty were clear, however, that this city should not be occupied by troops; but when the Treaty was made, the state of things which existed when that occupation took place, was not thought of or contemplated. It was not thought possible that committees would be sitting in many of the great metropolises of Europe in order to carry on a secret conspiracy in these countries, and to organize insurrection against an actual Government of a country; such a committee existed in this very city of Cracow, and this circumstance could not have been foreseen, and consequently could not have been provided for, at the time of the Treaty of Vienna. But, as was said by the noble Marquess, the authorities of the town and the agents of the then protecting Governments residing there, from information acquired by their agents, were aware of a state of conspiracy existing not only in Cracow, but in all the neighbouring countries—and not only in the duchy of Posen and Gallicia, but also in the duchy of Warsaw itself—for the purpose of insurrection, which insurrection in all these places broke out nearly at the same time. The noble Lord complained that the Austrian Government had taken no measures of prevention, or by means of the military at once to put down the insurrection in Gallicia. He did not know what measures of precaution the Austrian Government did take; but he was sure that there were very few in this country who could know what measures had been taken, or ought to have been taken. It was quite certain, however, that the measures adopted as to Cracow were contrary to the Treaty, and could only be justified by the circumstances of the time, namely, the state of intrigue going on in Cracow, and the daily expectation of a rising taking place there, and the state of disturbance in which all the neighbouring provinces were, namely, Gallicia, the duchy of Posen, and the duchy of Warsaw. This was the cause of moving troops into Cracow, which, as the noble Lord said himself, the day after their arrival there it was found necessary to withdraw. Whether that necessity was on account of the extent of the insurrection existing in Cracow, or on account of the insurrection immediately behind them amongst the people of Gallicia, he did not pretend to judge; but it was clear that it was necessary to withdraw the troops, and on their withdrawal occurred the subsequent events in Cracow. But the Austrian Government were not to blame for this. They did not send an army, as was stated by the noble Lerd; but they sent, he believed, a corps of 5,000 troops, which certainly could not be called an army. The noble Lord had thought proper to blame the Austrian Government for not taking precautions and carrying on operations in a particular manner within the province of Gallicia. He did not know that any one there would be able to tell the House what operations ought to have been carried on by the Austrian Government under the circumstances of the case. On this subject the noble Lord had greatly blamed the Austrian Government, while he praised the Prussian Government for its conduct in the duchy of Posen; but that House had nothing to do with either of those transactions. It had nothing to do with the merits of the Prussian arrangements, or with the demerits of the Austrian arrangements. What it had to do was simply with the breach of treaty; and he had no hesitation in saying that if ever a breach of treaty was justifiable this was the case. The noble Marquess had accounted for all that had occurred subsequent to the occupation of the town of Cracow. The whole of the neighbouring country, that was the duchy of Warsaw, the duchy of Posen, and the province of Gallicia, was the theatre of war. It might have been convenient for military operations to have a larger or smaller body of troops in the town of Cracow. The noble Lord said at one time there was only a very small corps of Russian troops there, and these were afterwards joined by a body of Austrian troops, and subsequently by a body of Prussian troops. A Prussian army, a Russian army, and an Austrian army were in operation in the three provinces surrounding Cracow, while these three bodies of troops were in the town itself. But it was not convenient to leave all these troops in the city of Cracow. Some, therefore, were withdrawn, and at length the Austrians were left there alone; but it was not to be supposed that because the Austrians were left alone in Cracow, that therefore the independence of that town was destroyed, and that it was made over to the Emperor of Austria. It was necessary for military operations at the moment that a portion of the troops should be withdrawn, and there was no political object in view in it, nor anything in any manner affecting the independence of the city of Cracow. He did not know what existing circumstances there were; but he understood, when he was in Her Majesty's Councils, that the three Sovereigns had then under their consideration measures for re-establishing an independent government in the town of Cracow, and placing it in a state of independence, and of course the old articles of the Treaty would be revived, and no troops would remain in the place. He could not say how far these arrangements had proceeded ; but he was quite certain that it would be better for that House to adhere strictly to those points in which this country had a right to interfere, and not to step forth for the purpose of interfering in the internal government of other parts with which they had nothing to do.

Lord KINNAIRD had no wish to detain the House at that hour; but he could not sit silent without saying a few words, as the subject had been introduced. The noble Marquess said, and he believed truly, that a certain conspiracy had existed in the town of Cracow, and that the Austrian authorities had felt themselves justified in putting it down; but the remarkable fact admitted by the noble Marquess and the noble Duke was, the withdrawal of the troops, together with all the authorities of the town; and this was beyond all power of explanation. Both the noble Marquess and the noble Duke said they could not explain this. The noble Duke indeed intimated that he had no means of knowing why the troops were withdrawn from Cracow. He (Lord Kinnaird) knew, both from history and from turning his attention to the mode of government by foreign Powers, that it not unfrequently happened—and he believed it was so in the present case—that they deemed that the best means of quashing a conspiracy was by urging it on, and bringing it to a head. In this case it appeared that something like a systematic course had been adopted to bring this secret conspiracy to an open revolt. Although he was willing to acquit the Austrian Government at Vienna of formally authorizing the outrages that had occurred in Gallicia, he feared that it could not be denied—and the noble Lord, he was sorry to say, was obliged to admit the truth of the statement of his noble Friend who brought forward the Motion—that these calamities and atrocities were perpetrated under the cognizance and sanction of the local authorities in Gallicia. In the month of April last his noble Friend had brought the subject under the attention of the House, by putting a question to the noble Earl then Secretary for Foreign Affairs; and that noble Earl replied, that from what he knew of the character of Prince Metternich, he did not believe there was a word of truth in the statement. But it was now admitted by Her Majesty's Ministers, and it was not denied by any Member of that House, that the fact was established, that these horrors, which were worse than any perpetrated during the French Revolution, had been committed in Gallicia. The name of one of the perpetrators of these horrible crimes had been mentioned that night in the House; and he found that that monster in human form had just been promoted by the Austrian Government. How, then, could it be said they had not sanctioned these proceedings, when they rewarded those who had perpetrated them? He (Lord Kinnaird) found from various documents which the noble Lord had not touched upon, that it appeared that those peasants were incited—he (Lord Kinnaird) would not say by the Government of Vienna, but by the local authorities—to massacre the nobles. It was, he believed, part of the policy—he (Lord Kinnaird) would not say of the Austrian Government, but of those acting for them—to raise the peasantry against the nobles. The noble Lord had detailed to them the means which were adopted to cast odium on those nobles, by putting every odious duty in the State upon them, and taking every opportunity of exciting the peasantry against them. However, the noble Lord had only glanced at these things; and even at the risk of taking up a portion of their time, he (Lord Kinnaird) should state one case that had occurred, and which sustained the statement he had made that the peasantry were encouraged by the authorities to commit those acts, and the authorities had since been rewarded by the Court of Vienna. The case to which he referred was this: A gentleman of large property in the neighbourhood of Tarnow was alarmed by receiving an account of the approach of a multitude of people. However, there had been rumours of a conspiracy, and he merely thought that this was some insurrectionary movement; but he was soon undeceived. The first attack was on the house steward, and they then attacked the house. The wife of the owner of the house went down and endeavoured to appease them; her entreaties were met by a blow of a club, which levelled her with the ground. Her husband rushed to her assistance, but was immediately overpowered, trampled on by the mob, and left for dead. A child of twelve years of age having presented herself to them, was also slain; and they were on the point of slaying a female who was resident in the house, but taking her for the lady's maid, she was spared. They ordered her to lead them through the house in search of knives, which they said the Prefect of Tarnow told them were concealed in the house to cut the throats of the peasantry. This showed that the Prefect had induced the peasantry to make an attack on the nobles, by representing that they were to be massacred by them. These horrors were fearful to describe or think of. The wife of the owner of the house had dragged herself to some little distance, and she was not long there when the multitude returned. They came to convey away the body of her husband, and those of many other persons whom they had killed—and what for? For the prize that was offered by the authorities for the bodies. They were accompanied by a party of gens-d'armes. On arriving near the town of Tarnow, they dug a large grave, and had begun casting the bodies into that grave, when symptoms of vitality were exhibited by the husband. The wife implored of them to save him; but in the presence of the gens d'armes they cast him living into the grave with the other bodies, and buried him alive, and they did that act with gens-d'armes in their company. He (Lord Kinnaird) again said, and would repeat it, that the Government of Vienna were highly to blame, and had rendered themselves parties to those deeds, though not so in the first instance, by rewarding those who had stimulated the peasantry to perpetrate them. It might be said, that there was no proof of this—that they had no means of knowing whether those things were so or not. Unfortunately there were living witnesses in this country in a state of despair and wretchedness who would speak to them, and whose statements could not be denied. The noble Duke and the noble Marquess might say they had no right to interfere on account of those acts; but he (Lord Kinnaird) thought they were bound to express their horror and detestation of such acts; and even he could see no harm in asking the Government, when those things were asserted in the public prints and elsewhere, whether they could enable them to contradict them? He would wish to see a contradiction of them laid on the Table; and he thought, in justification of the Court refered to, such contradiction ought to be laid on the Table, if it could be produced. He did not, of course, ask them to interfere through the medium of an armed force; but he thought a remonstrance from this country would have a substantial effect, and prevent a recurrence of those deeds. There was one point which he conceived to be worthy of the consideration of the Government, and that was the appointment of a Consul at Cracow. He would remind them that the noble Lord who at present filled the office of Foreign Secretary for this country had made the appointment of a Consul at Warsaw; and there was no reason why they should not have a Consul at Cracow, except the dislike of foreign Powers to such an appointment, and the remonstrances (which, however, he felt could not be supported by any valid reason) that might be made by foreign Powers against it. But he thought they might insist upon it: he trusted France would join them, and that they would insist upon having a Consul there. He believed, in the first place, it would be the means of protection, and tend to prevent such cruelties as had been perpetrated. At all events, the Government of this country would then be enabled to give a contradiction to such statements as had been made, if they were not sustained by facts; and he hoped Her Majesty's Government would take the matter into their serious consideration. He (Lord Kinnaird) felt deeply on the question of Poland, and however depressed that country might be at the present moment, he hoped the fatal mistake that had been committed with reference to it would be remedied, and that he should yet see that country raised to her proper position as a nation.

Motion, as amended, agreed to.

House adjourned.

HOUSE OF COMMONS,

Tuesday, August 11, 1846.

Minutes.] Public Bills.—1°· British Possessions.

2°· Naval and Military Departments; Public Works Commissioners (Ireland); Public Works and Fisheries; Small Debts; Public Works, Fisheries, &c.; Public Works (Ireland) (No. 3); County Works Presentments (Ireland) (No. 2); Medical Practitioners.

Reported. Commons Inclosure (No. 3); Contagious Diseases Prevention; Lunatic Asylums and Pauper Lunatics.

3°· and passed. Deodands Abolition (No. 2); Death by Accidents Compensation.

Petitions Presented. By Mr. Evans, from Associated Ministers and Delegates of the Churches of the Congregational Order in Derbyshire, in favour of the Religious Opinions Bill.—By Admiral Dundas, from John Paterson, of Silver Street, Greenwich, praying for Compensation for Losses sustained through the passing of the Bankruptcy and Insolvency Act.—By Mr. Thomas Duncombe, from Inhabitants of Ashton under Lyne, in Public Meeting assembled, complaining of the Treatment of Factory Children.—By Dr. Bowring, from Inhabitants of the Town of Hounslow and its Vicinity, for the Abolition of Naval and Military Flogging.—By Mr. Redhead Yorke, from Ratepayers of the Township of Southwick, in the Parish of Monkwearmouth, in the County of Durham, for Repeal or Alteration of Lunatics Act and Lunatic Asylums and Pauper Lunatics Act.—By Mr. Craven Berkeley, from William Henry Brown, of Park Road, in the County of Surrey, M.D., against the Medical Practitioners Bill.—By Mr. Thomas Duncombe, from Commissioners for Paving the United Parishes of Saint Andrew Holborn above the Bars, and St. George the Martyr, in the County of Middlesex, suggesting Plans for the Metropolitan Improvements.—By Mr. W. H. Bodkin, from Finsbury, for Redemption of the Tolls on the Waterloo and other Bridges.

NAVAL COURTS MARTIAL.

Mr. WILLIAMS wish to asked a question of the Secretary of the Admiralty whether, as so much irregularity had taken place in courts martial in the navy, the opinion of the law officers of the Crown had been taken with regard to the trial of a marine lately sentenced to be hanged at Cork for striking his superior officer?

Mr. WARD replied, that the minutes of the court martial alluded to by the hon. Member for Coventry, were received in due course by the Board of Admiralty, who having found reason to suppose there was a legal flaw in the constitution of the court, submitted them to the law officers of the Crown. The law officers con-sidered the court was illegally constituted, and thought it unnecessary and undesirable, bearing in mind the suspense which the offender must have undergone, to order a new trial. Under these circumstances they directed the proceedings to he considered null and void; and recommended the offender to be brought back to his company, in the hope that the anxiety and suspense he suffered would have a salutary effect upon his future conduct.

RAILWAY LEGISLATION.

Mr. WILLIAMS wished to ask the noble Lord at the head of the Government, whether it was his intention to propose any Resolution with respect to the introduction of Railway Bills in the next Session of Parliament? He was induced to ask this question, because it had been computed that in the course of the present Session the Legislature had sanctioned Railway Bills requiring the sum of 150,000,000*l.* for their construction; and that the Session before, they had legalized undertakings requiring a further sum of 60,000,000*l.*, making altogether no less than 210,000,000*l.* There was, he believed, a great apprehension existing in the money market, that the monetary affairs of the country would be deranged, and its commerce considerably retarded, by the application of so much capital to railway undertakings.

Lord J. RUSSELL: There are proposals about to be made with respect to the mode in which Railway Bills are to be framed; and the manner in which it is proposed they shall be examined in this House; and for that purpose a Committee has been sitting. Her Majesty's Government intend to take into consideration the Resolutions recommended by that Committee, with respect to the formation of a Railway Board. I will not now state the functions of that board; but the hon. Gentleman seems to have in contemplation another mode of interference—an interference calculated to restrict the application of capital, from the apprehension that such an application would derange the monetary affairs of the country. With regard to that subject, the House will bear it in recollection that a Committee of this House was appointed at the commencement of this Session, and another in the House of Lords to inquire into that point, and that neither of those Committees recommended any interference with the numerous railway projects then before the House. On the ground that they had not so recommended any interference, various Railway Bills were passed, after they were examined before Committees, at a great expense to the parties concerned, and to the country at large. I do not, then, think with regard to those Committees, and with regard to the examination of railway projects, that it would be right now to stop those Railway Bills, and prevent the application of that capital which the public may be anxious to invest in such speculations. With regard to the general question, without pledging myself to a question of general legislation, I see a very great objection to an interference with the application of capital to railway projects and other undertakings of similar character, seeing we do not know any mode by which we could interfere with respect to the application of capital to railways in foreign countries. There are no means by which we could propose that any extent of capital speculators may think fit to invest, should not be applied to the construction of railways on the Continent or in the United States of America. Such being the case, I see a great objection to our interfering with the application of capital, and I fear in practice it will be found difficult and impracticable to carry such legislation into effect.

DEODANDS ABOLITION (No. 2) BILL.

Upon the Motion that this Bill be read a Third Time,

Lord GRANVILLE SOMERSET objected to the manner in which this matter had been introduced. Neither the private rights of the Sovereign nor individuals had been consulted. He believed that 700*l.* or 800*l.* a year, arising from deodands, was paid into the privy purse; and it was only common decency that the Crown should have been consulted on the subject, and that some communication should have been made to Parliament on the part of Her Majesty. Private individuals would also be injured by this measure, as he believed that the corporation of Liverpool, for instance, received a considerable sum of money from deodands.

Sir G. GREY said, that he was quite prepared to take the same course as was taken last year by the noble Lord the Member for Falkirk, who announced Her Majesty's assent to a similar measure; and he was now ready to signify Her Majesty's assent to the present Bill. The right which would be relinquished by the Crown was of trifling pecuniary value, because lately deodands had been much litigated; and when they had been imposed by the verdict of a jury, they had in almost every case been taken into the Court of Queen's Bench, and quashed there.

Bill read a Third Time.

On the Motion that the Bill do påss,

MR. S. WORTLEY said, that although this Bill had passed the House of Lords, after an able introduction, yet it had so passed without any discussion whatever. It would be recollected that deodands were a gift to the Crown in a very early stage of our history; and he did not think that any alteration whatever was made in the case by their having been in some instances made over to corporations. The only discussion which the Bill had undergone was in a Committee up-stairs, consisting chiefly of lawyers, the responsibility of whose acts he would share, although he was only present for half an hour. It should further be recollected that it was by means of deodands only that a cheap and ready compensation was made to the poor for the injury which they suffered. Now, in the instance of an injury inflicted by a railway company, was it at all reasonable that they should not be obliged to pay for the consequences of the conduct of their servants? What was the use of bringing an action for damages against the servant, who was in most cases a man of straw, and could pay nothing? He was no advocate for the absurdity of the law of deodands; but he did say that a simple compensation to the Crown was a very ready means of getting at the compensation which was due to the injured party. He would appeal to the learned Lord Advocate for a confirmation of the working of the law of deodands in Scotland. He believed it worked very well. The Bill was brought down from the House of Lords on the 8th of May; and it was read a second time in the House of Commons, and committed on the following Monday; and when he returned to town on that day at one o'clock, he found that the two clauses which gave the principal feature to the Bill had not only been reframed, but totally altered in character. In Scotland, there was this difference in the law: the nearest relation of the person killed or injured might bring an action for damages; and any relation who might be abroad at the time of the occurrence, was not debarred from bringing an action on his return; in fact, each relation might come in turn. The question was involved in difficulties: he considered, therefore, that the two Bills before the House ought to be postponed until next Session; and that, in the meantime, a Select Committee should be appointed to consider the laws relative to deodands, and to report to the House on the subject. He concluded by moving as an Amendment the appointment of a Committee to consider the present state of the law of deodands, and of actions for injuries to the person by accident or otherwise.

The ATTORNEY GENERAL could not accede to the Motion of his right hon. and learned Friend. The subject had been already carefully considered; and the result had been the Bill before the House. Were the deodands to be continued, to take them from the lord of the manor and give them to the sufferers, would cause a demand for compensation on the part of the former — a demand which, however, would not be raised were deodands to be abolished altogether, as converted from their original purposes, and vicious in their present operation. By the present law of deodand, compensation was made, not according to the extent of the injury inflicted, but according to the value of the instrument of injury. How did the right hon. and learned Gentleman mean to apportion the fine which he wished to keep up? Would he entrust the task of valuing it to the defective machinery of a coroner's court? If there was anything more difficult to fix than another, it was the amount of a deodand, and the cases in which it ought to be levied. The only way he could see of putting the system upon a more satisfactory footing was that of making the deodand recoverable by an action at civil law; and that was the course which the Government intended to adopt. He had great reliance upon the judgment of an English jury in fixing the amount of deodand. If they did sometimes run riot, they were always promptly checked, and the evil righted itself.

MR. WAKLEY said, he had hoped that some other legal Gentleman would have been present to expound the law. His two hon. Friends who had just spoken were educated under circumstances entirely similar, but their opinions entirely differed. If either of these Gentlemen were elevated to the Bench, the law of coroner would entirely depend on the opinion of which of them happened to be judge. That was a most unsatisfactory state of things. The law of deodand, he admitted, was in a most unsatisfactory state. He would take the case of a liverystable keeper who lent to a wild drunken apprentice an unmanageable horse. The horse might cause the death of some person; and yet the livery-stable keeper, who was as much, if not more, to blame than the rider of the horse, entirely escaped all the consequences—the law could not touch him. If the horse belonged to a gentleman, and were ridden by his servant, the gentleman, in that case, would be liable. If, in the case of a railway company, the wheel of a carriage came off, and caused death to some one, the company might prove that the wheels had been examined before the starting of the train, and yet the jury had the power to inflict a deodand. He admitted that the law required alteration; but yet he hoped the hon. and learned Member would not divide the House on his Motion, provided the Government would give an assurance that if the Bill did not work well they would bring in another of a more efficient character.

MR. HENLEY said, that the question was, whether the Amendment proposed was one likely to be beneficial. The hon. and learned Members who had been discussing the Bill differed in opinion; and a similar difference of opinion was observable in the noble and learned Lords who had discussed the question in the other House. He thought that the Bill ought certainly to receive a more full and careful investigation before it passed that House.

The House divided on the Question, "That the words proposed to be left out stand part of the Question:"—Ayes 51; Noes 6: Majority 45.

List of the AYES.

Anson, hon. Col.
Arundel and Surrey, Earl of
Baldwin, B.
Berkeley, hon. C.
Berkeley, hon. Capt.
Bernal, R.
Bodkin, W. H.
Bouverie, hon. E. P.
Brocklehurst, J.
Brown, W.
Browne, hon. W.
Byng, rt. hon. G. S.
Crawford, W. S.
Duncan, G.
Duncannon, Visct.
Dundas, Adm.
Dundas, D.
Ebrington, Visct.
Escott, B.
Evans, Sir De L.
Ferguson, Sir R. A.
Gibson, rt. hon. T. M.
Gore, hon. R.
Greene, T
Grey, rt. hon. Sir G.
Hawes, B.
Hobhouse, rt. hn. Sir J.
Howard, P. H.
Jervis, Sir J.
Morpeth, Visct.
Muntz, G. F.
O'Conor Don
Parker, J.
Rich, H.
Rumbold, C. E.
Rutherfurd, A.
Sheil, rt. hon. R. L.
Somerville, Sir W. M.
Strutt, E.
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Wakley, T.
Walpole, S. H.
Warburton, H.
Ward, H. G.
Wawn, J. T.
Williams, W.
Wood, Col. T.
Wyse, T.
Yorke, H. R.

TELLERS.
Tufnell, H.
Craig, G.

List of the NOES.

Estcourt, T. G. B.
Fuller, A. E.
Henley, J. W.
Nicholl, rt. hon. J.
Palmer, G.
Somerset, Lord G.

TELLERS.
Wortley, J. S.
Cripps, T.

Bill passed.

LABOURERS FOR THE WEST INDIES.

MR. GRANTLEY BERKELEY had a question of great interest and importance to put to the noble Lord at the head of the Government, with respect to the Colony of British Guiana; namely, whether it was the intention of Her Majesty's Government to take off the existing restrictions upon the importation of free labourers into British Guiana and the West Indian Colonies, from the free States of Africa? He also wished to know, whether there was any objection to permit free immigration into those British Colonies from the Kroo Coast; and, if there were no objection, when would the present restrictions be taken off?

LORD JOHN RUSSELL replied, that he had stated before, that there was every desire on the part of Her Majesty's Government to permit free immigration from the coast of Africa into the Colonies of British Guiana and the West Indies. But there was considerable difficulty surrounding the question, inasmuch as unless restrictions were placed upon the mode of immigration, there might be, under the pretence of carrying free labourers to the Colonies, an actual carrying on of the Slave Trade. Persons might take Africans from the coasts under the pretence of their being engaged as free labourers, and, sailing nominally for Guiana or Jamaica, might take them instead to Cuba or Brazil. He thought therefore that it would be necessary that some proof should be given of the intention of the parties, and that the emigrants should be shown to be really engaged for the West Indies. For that purpose there should be some British authority appointed at the British settlements whose business it would be to ascertain whether any contract had been entered into between the parties, and to have proof of that contract, and that it was the *bonâ fide* intention of the shippers to take the labourers to Guiana or some of the West Indian Colonies. The noble Lord the Secretary of State for the Colonies had, since he (Lord

John Russell) last addressed the House upon the subject, received an application from some persons deeply interested in the prosperity of the West Indies, the substance of which was that the Kroo Coast might be opened for the importation of free labour. But there was no British settlement there, and the difficulty would be consequently apparent. However, his noble Friend had the subject under consideration; and if an arrangement could be effected whereby some officer could be appointed before whom all the immigrants should come in order to be examined, then immigration would be permitted. The whole subject was undergoing consideration; and he was sure his hon. Friend would agree with him that it was necessary to observe the greatest caution, that under no pretence should any encouragement be given to the Slave Trade.

THE GAME LAWS.

Mr. GRANTLEY BERKELEY again rose to call the attention of the House to the evidence taken by the Committee on the Game Laws, when the House was counted out, and adjourned at a quarter past Five o'clock.

HOUSE OF COMMONS,

Wednesday, August 12, 1846.

Minutes.] Public Bills.—1°. Private Bills.

2°. Marriages (Ireland); British Possessions.

Reported. Religious Opinions Relief; House of Commons Offices.

3°. and passed. Gauge of Railways; Commons Inclosure (No. 3); Wreck and Salvage.

Petitions Presented. By Colonel Austen, from Tradesmen and Inhabitants of the Parishes of Sevenoaks and Tonbridge, in the County of Kent; by Mr. Thomas Duncombe, from Traders and other Inhabitants of the Borough of the Tower Hamlets; and by Sir Frederick Trench, from Inhabitants of Scarborough, in the County of York, praying that the Small Debts Bill may immediately pass into a Law.

SMOKE PROHIBITION BILL.

Viscount MORPETH said, he observed that the second reading of the Smoke Prohibition Bill stood for to-day, but he hoped the hon. Member who had charge of it would not proceed with it this Session. If the hon. Member felt disposed to give way for the present Session, although he (Lord Morpeth) would give no pledge that he would introduce a measure next Session, yet he would promise to give the subject his best attention, to see whether it would be practicable to carry out the suggestions of scientific and practical men, with a view to legislation on this subject.

Mr. MACKINNON should feel gratification in acceding to the wish of the noble Lord, but he felt some difficulty in so doing. From every part of the country, especially from Leeds and Manchester, he was receiving the most pressing letters to carry forward his Bill. He felt himself in a difficult position; for if he gave up the Bill, he should make himself liable to the censures to which he had been exposed in some of the leading journals of the day. It was only this week he had been held up to reproach for having given up his Cemetery Bill. Still, after the application made to him by the noble Lord—after, he might almost say, the pledge he had given him that the matter should be taken into consideration—he had no alternative but to accede to the noble Lord's wishes. Indeed, he should injure his own cause by any other course; for if he went to a division he should be beaten. He trusted that the able daily papers he had adverted to (particularly *The Times*), who might be disposed to think he had not done his duty in not pressing forward this Bill, would take into their consideration that an individual not connected with Her Majesty's Government had no chance of carrying a Bill like the present this Session. He trusted that when his conduct was next noticed by that journal—and it was an honour to be noticed by it, except in a disgraceful manner—the gentlemen by whom it was conducted would remember, that a Member unsupported by the Government, had it not in his power to carry the Bill through the House. The best way, perhaps, of carrying the subject, was by mooting it continually, so that the pressure might come from without upon any Government that might be in office. Unless year by year he had pushed forward the Cemetery Bill and the Smoke Prohibition Bill, there would not have been the most distant chance of carrying these legislative measures. But having done so for several years, the public feeling would now, he trusted, carry them into effect. He now, with great satisfaction, placed in the hands of the noble Lord a pet child of his own, which he trusted would be comforted and nourished by him.

Bill to be read a second time that day month.

RELIGIOUS OPINIONS RELIEF BILL.

On the Motion that the House resolve itself into Committee on the Religious Opinions Relief Bill,

Mr. ESCOTT had to propose certain

additions to the Bill, because it did not contain provisions which would give perfect relief to the individuals sought to be affected by it. He did not believe that this measure would in any degree endanger the Established Church; and that notion had been abandoned by his hon. Friend the Member for the University of Oxford (Sir R. Inglis). Indeed all persons connected with the Establishment repudiated the principle of maintaining penalties for the security of that church.

LORD J. RUSSELL would at once state the course he proposed to take when this Bill went into Committee. The hon. Member for Winchester (Mr. Escott) had said that the object of some of his amendments was to carry into full effect the intentions of the framers of the Bill. There could be no doubt, he thought, that some of the amendments proposed by the hon. Member for Winchester were not consistent with the intentions of those by whom this Bill was introduced. Some of those amendments were similar to clauses contained in a Bill introduced during the present Session by the hon. Member for Kinsale (Mr. Watson), to remove certain penalties and disabilities which attached under the Act 10 George IV. When the House went into Committee on that Bill, on the question that the preamble be postponed, an Amendment was moved, "that the Chairman do now leave the chair;" the Committee divided, and there were—ayes, 120; noes, 80; so that in a House of 200 Members the Bill was rejected by a majority of 40. He need hardly say that it was not to be expected, at this period of the Session, that they could have the attendance of 200 Members, or that the Members who might attend would be the same who had taken part in the previous discussion on this subject. He believed that the Bill now before the House would carry into effect generally the intentions of the House of Lords, by whom it had been sanctioned; and it was not likely, if they were to send the Bill back to the other House with a number of amendments which altered the substance of the measure, that it could receive the consideration of many of those Peers by whom it had formerly been discussed. He thought, therefore, that the fairest course in this state of the Session would be to abstain from discussing the amendments of the hon. Member for Winchester, and to endeavour to render any amendments they might adopt consonant with the intentions of the House of Lords, by whom the Bill had been sent down. He would suggest to the hon. Member for Winchester that he should withdraw the amendments of which he had given notice, and bring forward the subject next Session.

MR. HENLEY considered it most unfair that at the end of the Session a small minority of the House should rescind a decision adopted by a large number of Members at an early period of the Session.

MR. ESTCOURT had divided the House on the second reading of the Bill; and as the House had then expressed an opinion on the subject, he thought at this late period of the Session it would be unbecoming in him to throw any further obstacle in the way of the Bill, provided it was allowed to retain its present form. If, however, the hon. Member for Winchester persisted in his amendments, he (Mr. Estcourt) should feel justified in opposing the Bill.

MR. SHAW concurred in the view taken by his hon. Friend the Member for the University of Oxford (Mr. Estcourt.) He (Mr. Shaw) had voted the other day against the second reading of the Bill, not from an opinion that there were not some harsh and obsolete laws on the Statute-book, which it was desirable to repeal, and in so far he did not object to the present Bill; but because there were other provisions contained in the Bill affecting the Established Church, and certain salutary restraints upon the Church of Rome, which he thought had not been sufficiently considered. However, as his hon. Friend (Mr. Estcourt) did not mean to divide the House upon the question of the Speaker leaving the chair, neither would he, provided that the noble Lord (Lord John Russell) would firmly oppose any extension of the present measure—such as was involved in the Amendment of the hon. Gentleman the Member for Winchester (Mr. B. Escott).

The EARL of ARUNDEL and SURREY said, that if the hon. Member for Winchester persevered in bringing forward his amendments, he would vote for them; but he recommended the hon. Gentleman not to revive the discussion which had previously taken place on the same subject.

House in Committee.

Ou the Third Clause being put,

MR. ESCOTT proposed the introduction of the words in part of it "or consequent thereon," which would have the effect of doing away with penalties.

MR. SHAW objected to the Amendment. He saw nothing absurd or inconsistent in the provision as it then stood—the effect of which would be to repeal the extreme penalties to which the offence was liable, under the 2nd of Elizabeth; but in the words of the clause that "in all other respects the law should continue the same as if that enactment had not been made," it had been obviously the intention of the framers of the Bill that while the excessive punishments under the old Act should be abolished, the offence should still continue prohibited by Statute, and punishable at common law.

Lord J. RUSSELL said, that his object was to carry this Bill in the form in which it had come down from the House of Lords. It had been prepared by Lords Lyndhurst, Campbell, and Brougham, and the whole of the matter had been fully and duly considered. They did not propose to make that lawful which was previously illegal by common law, but only to abrogate the penalties imposed for that which was now allowed to be no fault. His desire was to carry the Bill as it came from the Lords.

The SOLICITOR GENERAL contended that the clause as it now stood was perfectly correct, and better without the proposed words than with them. The Bill took away the severe penalties, but left any breach of the common law just as it stood before.

Mr. ESCOTT believed that the noble Lord was of his own opinion, and he thought the opinion of that House ought not to be made to succumb to that of the House of Lords.

Lord J. RUSSELL objected to the discussion being taken on the point at that late period of the Session, when but a small number of Members interested in the subject was present.

The Committee divided on the Question that the words be inserted:—Ayes 10; Noes 53: Majority 43.

List of the Ayes.

Arundel and Surrey, Earl of
Bridgeman, H.
Browne, hon. W.
Collett, J.
Duncan, G.
O'Connell, M. J.
Pechell, Capt.
Wakley, T.
Williams, W.
Yorke, H. R.

TELLERS.
Escott, B.
Strutt, E.

List of the Noes.

Anson, hon. Col.
Baine, W.
Bellew, R. M.
Blackburne, J. I.
Bodkin, W. H.
Brocklehurst, J.
Brown, W.
Byng, rt. hon. G. S.
Collins, W.
Cowper, hon. W. F.
Craig, W. G.
Cripps, W.
Douglas, Sir H.
Duncannon, Visct.
Dundas, D.
Ebrington, Visct.
Estcourt, T. G. B.
Fuller, A. E.
Gibson, rt. hon. T. M.
Gladstone, Capt.
Gore, hon. R.
Grey, rt. hon. Sir G.
Hatton, Capt. V.
Hawes, B.
Hayter, W. G.
Henley, J. W.
Jones, Capt.
Labouchere, rt. hon. H.
Layard, Capt.
Macaulay, rt. hon. T. B.
Morpeth, Visct.
Muntz, G. F.
Newdegate, C. N.
Nicholl, rt. hon. J.
Owen, Sir J.
Palmer, G.
Parker, J.
Philips, M.
Pigott, rt. hon. D.
Rich, H.
Russell, Lord J.
Shaw, rt. hon. F.
Sheil, rt. hon. R. L.
Sheridan, R. B.
Somerville, Sir W. M.
Spooner, R.
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Walpole, S. H.
Wawn, J. T.
Wilshere, W.
Wyse, T.

TELLERS.
Hill, L. M.
Tufnell, H.

Mr. REDHEAD YORKE appealed to the hon. and learned Member for Winchester (Mr. Escott) to consider whether, having regard to the late period of the Session and to the paucity of Members present, it would not be the wiser course to withdraw for the present the other amendments of which he had given notice.

Mr. ESCOTT consented to acquiesce in the suggestion, observing that he was principally influenced thereto by the advice of the noble Lord (the Earl of Arundel and Surrey), by whose opinion in a matter of that kind he was most desirous to be guided. Under all the circumstances of the case, he thought it was perhaps the best course to withdraw the other amendments; but in doing so he wished to state, that he did not feel at all contented with what the Committee had done in negativing his Amendment, nor did he think it probable that on a future occasion the House would express its satisfaction at the conduct of the Committee in this respect.

Mr. SPOONER objected to the next clause, on the ground that it would violate the oath of supremacy and the oath taken by Members of that House, which set forth that no foreign pontiff should be allowed to interfere in any way with the religious opinions of the subjects of this realm; whereas the Pope would have the power of issuing bulls affecting the opinions of the people of this country by this Bill. He pressed the noble Lord to postpone the clause until next Session, in order that it might be more fully discussed. He moved the omission of the objectionable words, and expressed his intention of dividing the House on the subject if the explanation of the Government was not satisfactory.

Mr. SHAW hoped his hon. Friend (Mr. Spooner) would not divide the House on his Amendment. His hon. Friend did not seem to understand the distinction between an offence existing by the common law, and punishable at common law. If a statute created an offence, or prohibited any act from being done, the common law could punish the offence, if committed, as a misdemeanor. The punishments under the old Act were admittedly too severe. His hon. Friend himself did not desire to retain them; and if he would look to the concluding words of the paragraph he sought to omit, he would find they were—"That in all respects, save as to the said penalties or punishments, the law shall continue the same as if this enactment had not been made."

Lord J. RUSSELL did not think that the clause in question was at all at variance with the oath of supremacy. If he understood the clause aright, its object was to revoke certain severe punishments which were inflicted by statute on the introduction of bulls and writings of the See of Rome. The statute imposing these penalties took its rise in the reign of Queen Elizabeth, and was attributable to the circumstance that the Pope was supposed to have assumed an authority to depose the Queen of these realms, and that a bull to that effect had been posted on the churches of London. The Act was supposed to be necessary, because it was thought there were many in the country who believed that the Pope really did possess that power. By the clause in the Bill now under consideration, it was sought to do away with the penalties which, in the opinion of our ancestors, were rendered necessary by the exigencies of the case, but which must now appear to every enlightened mind totally superfluous and unnecessary. There were now no such dangers as were formerly apprehended; and there need be no such punishments. Again, he asserted, he did not see anything in the clause at variance with the oath of supremacy. He had his doubts as to the propriety of the oath; but he was certain that there was nothing in it inconsistent with the fact as it was now, and as it would be after this Bill should have passed. The Bill proposed to take away the whole of the penalties which were heretofore inflicted, but in no other respect did it alter the pre-existing state of the law. It would not render legal for the future that which was heretofore illegal according to common law; nor, on the other hand, would it render that unlawful which until now was legal. He confessed he could not bring himself to put the same construction on the oath of supremacy as the hon. Member for Birmingham. He (Lord J. Russell) did not think that he or any one else meant to convey by that oath their opinion that the Pope was not to have any influence over the minds of persons in this country who conscientiously regarded him as possessing spiritual supremacy, and who recognised him as the head of their church, and the persons, as such, who should regulate the affairs of that church. So far as that assertion went, it was utterly impossible to deny that there were in these countries persons who did hold that belief; and to punish them for holding that belief would be the grossest absurdity, as well as the grossest tyranny. Why, it was not very long ago that a rescript from the Pope arrived in this country, in which he declared his opinion, that, it being the peculiar duty of the Roman Catholic bishops to attend to spiritual matters, it was not desirable that they should interfere in political matters in Ireland. [Mr. Sheil: That they should interfere so much.] Be that as it might—and he was willing to take his hon. and learned Friend's version—it did not affect his position. It was for the bishops to decide whether the Pope possessed that jurisdiction over them that it would render it imperative on them, in deference to his rescript, to refrain from taking part in political discussions. It was not for him (Lord J. Russell) to inquire whether the Pope ought or ought not to have this power. One Roman Catholic might perhaps say that it was beyond the Pope's legitimate jurisdiction, while another might maintain that it was very proper, and quite consistent with the constitution of the Catholic church that it should be so, and that the bishops were accordingly bound to obey. These were considerations into which he would not enter. But there was one point of view in which he wished to present the case to the hon. Member for Birmingham, who protested so energetically against the introduction of bulls and rescripts. If the Catholic bishops had withdrawn from Conciliation Hall, and refrained from taking part in the discussion of secular affairs, would the hon. Member have advised that they should be prosecuted for obeying the Pope's rescript?

Mr. ESTCOURT thought that the construction of the oath contended for by the noble Lord, and his explanation of this measure, not only would justify him in supporting the Bill, but even rendered it imperative on him to give it his advocacy. The noble Lord had stated most distinctly that the Bill would leave the law in these matters just as it was, with the exception of doing away with the penalties.

Mr. SHAW observed, that from the very text of the Bill, it was clear that the state of the law was not to be changed in any respect but in the abolition of penalties. That which was not heretofore lawful according to the common law, would not be legalized under the present law. The old punishments, however, were irrational and severe; and he was glad they were abolished.

Mr. SPOONER dissented altogether from the construction put upon the oath of supremacy by the noble Lord at the head of the Government. However, seeing the feeling of the House, he would not divide on the Motion, but would content himself with merely protesting against the Bill. The noble Lord had asked whether he (Mr. Spooner) would have advocated the prosecution of the Roman Catholic bishops in the event of their yielding obedience to the Pope's rescript by withdrawing from Conciliation Hall? But he would put the converse of the proposition; and ask whether, in case the rescript commanded their attendance there, and that they were prosecuted by the Government for high treason, the noble Lord would be satisfied if they were to reply by saying, "We meet there in obedience to the bull of the Pope, whose jurisdiction and authority you yourselves acknowledge?"

Mr. SHEIL, by way of applying an anodyne to the conscience of the hon. Member for Birmingham, and of showing that the construction of the supremacy oath contended for by the noble Lord was the correct one, begged leave to refer to the Bequest Act of last Session. By that Act it was specially provided that Roman Catholic bishops who were appointed by the Pope, in the exercise of his spiritual jurisdiction, should have seats at the board; and thus collectively, but most emphatically, had the spiritual capacity and jurisdiction of his Holiness been acknowledged. At first the phrase in the Bequest Act was, "Ministers of the Roman Catholic church exercising episcopal authority;" but it was subsequently altered to "bishops" and "archbishops," for the express and specific purpose of recognising the Catholic church in Ireland.

Mr. SPOONER confessed that this explanation was very far indeed from satisfying him. It only proved that they were going from worse to worst. If the present Bill were passed, bulls at first of an innocent character would be introduced; but they would gradually change their complexion, and there was no knowing where the mischief might end.

Mr. ESCOTT found it impossible to reconcile the remarks which had just been made by the right hon. Member for Dungarvon with the vote that Gentleman had just given against his Amendment. The right hon. Member's vote was virtually a vote in favour of retaining the old penalties for the conscientious exercise of religion. The day was close at hand, however, when this whole system should be changed. All this rubbish of laws persecuting men for conscience sake must be done away with, and the injustice of punishing men for their religious belief must soon and for ever be abolished.

The various Clauses of the Bill were agreed to without Amendment, and the Bill passed through Committee.

The House resumed. Bill reported, and ordered to be read a third time.

RAILWAY GAUGE BILL.

The Railway Gauge Bill was read a Third Time.

Mr. MUNTZ moved the insertion of an additional clause. He stated that during the last Session of Parliament a line of railway was granted from Oxford to Worcester on the broad gauge, and that another line was granted from Oxford to Rugby. During the present Session a branch from Oxford and Rugby to Birmingham was granted, as was also a line from Birmingham to Wolverhampton; but no gauge was specified for these two lines. Now, the Bill before the House specified those lines which were excepted from the general principle ; but those lines to which he had referred were not mentioned in it, and it was with the view of including them that he now submitted an additional clause to the House. The object of that clause was to provide for the entire line from Oxford to Birmingham having the broad gauge, so that there should not be exhibited the anomaly of two gauges being laid down on this line of railway. The hon. Gentleman then proposed the following clause—

> "Nothing in the Act contained shall prevent the construction of the Birmingham and Oxford Junction Railway, the Birmingham Extension Railway, and the Birmingham, Wolverhampton, and Dudley Railway, including the Line between Wednesbury and Dudley, on the same Gauge or Gauges according to which the Oxford and Rugby, and the Oxford, Worcester, and Wolverhampton Railways may be constructed."

Clause brought up and read a first time.

On the Question, that the said Clause be now read a second time,

Mr. MILNER GIBSON said, the proposition which his hon. Friend the Member for Birmingham now made had undergone very full consideration, and he could assure him that the course which the Government thought fit to take with respect to this subject had not been influenced in the least by any sympathy with the London and Birmingham Railway Company, or any other company, but simply with reference to public and general considerations. He must call his hon. Friend's attention to the state of the case. The fact was that a Commission had been appointed to inquire into the Gauge question, and a report was made, upon which certain Resolutions were founded and unanimously passed. The Bill now before the House, and which had reached its third reading (having already passed through the House of Lords), was a Bill to carry those Resolutions which Parliament had deliberately passed into law, and nothing more. But the hon. Member for Birmingham asked them to pause at the third reading of this Bill, and to introduce a clause which would be in complete violation of its principles, and which would, in fact, amount to very little short of making all their previous resolutions and proceedings null and void. However, be that as it may, he would remind his hon. Friend that at the time that the Birmingham and Oxford Railway Bill was before a Committee of that House, the promoters of that Bill were perfectly aware those Resolutions to which he had alluded were passing through the Houses of Parliament; and they were aware that, with the exception of those Bills with reference to which a special clause was inserted, every Bill would come under the control of the general enactment which Parliament was about to adopt. Now, why did they neglect to ask, until the third reading of this general enactment, to have an exception made in their favour? Why did they not take the opportunity of inviting the Committee who sat on this particular Bill, and before whom evidence could be taken, to make a special Report to the House that they had a case which would render them entitled to be excepted from the general operation of this enactment? If they had asked to make such a Report to the House, why had not the Committee made it? It appeared to him (Mr. Gibson) that Parliament would be proceeding in direct opposition to its Resolution, and to the Report of the Gauge Commission, if they were to allow the clause proposed by the hon. Member for Birmingham to be now introduced into this Bill.

Mr. SPOONER supported the clause, which he contended could have no other object than to benefit the public. The only reason, indeed, which the right hon. Gentleman had given for opposing it was, that the promoters did not take the proper opportunity for having an exception made in their favour; but in his opinion there was no weight whatever in this objection.

Mr. P. M. STEWART said, if the Oxford and Birmingham line would be rendered useless without the insertion of this clause, as seemed to be supposed, why was that important fact overlooked by the promoters when the Bill was before the Committee? It was then proposed that the broad gauge should be granted on the whole line from Birmingham to London; but that recommendation was thrown out by the Committee. He would be no party to promoting a gauge which he was sure must be withdrawn sooner or later; nor did he wish to see any parties injured by the change. He desired, as did the Commissioners, that means might be found of making an uniform gauge throughout the country by some equitable mode. But the Resolutions had encroached on the principles laid down by the Commissioners, and the present Bill advanced beyond them, and the Amendment of the hon. Member for Birmingham (Mr. Muntz) went still further in extending the broad gauge. Throughout the continent of Europe there was an uniform gauge with one exception; and an engineer from Heidelberg was this moment here consulting with the most eminent engineers how to get rid of the evil. He implored the House to be more consistent in legislating on this subject than they had been: what they had done must be undone sooner or later, and an uniform gauge established. At any rate he would be no party to extending the broad gauge, as was proposed by the clause of the hon. Member; and on commercial as well as national grounds, he asked the House to adhere to the principles which had already been laid down.

Mr. HAYTER said, that in the present Bill there were two exceptions admitted which had not been mentioned in the Gauge Commissioners' Report: they had not been brought before the Committee, and had not had a special report made in their favour; and why then should the lines mentioned in the clause be refused a similar advantage? With respect to what had been said about the time when the present proposition ought to have been made, all that could be said on that matter was, that if the Government had not inserted the two lines in the Bill, the present was the only occasion when the parties could bring their proposition forward. Then it was said that the adoption of the clause would be inconsistent with the Report of the Gauge Commissioners, in which it was stated that the break of gauge was a most serious evil. But the House should know that unless the clause was introduced, there would be a much greater break of gauge than if the Bill passed without it. They asked for no exclusive privileges with respect to the adoption of the broad gauge, as they wished to lay down a narrow-gauge rail by the side of it. All they asked for was what was given to the other lines to which he had referred.

Mr. WILLIAMS observed, that this might be looked upon as a question between two great railways, the Great Western and the London and Birmingham; and he hoped that hon. Members, in deciding the question, would dismiss from their minds all considerations with reference to the peculiar interests that might be involved in promoting those separate lines, and that they would look only to the public interest. He would remind the House of the charges that were made on the London and Birmingham line, until a competition was established; and he urged them to afford the public that accommodation which they ought to have by the competition of this railway, to which their attention was now directed. He called upon the Vice President of the Board of Trade to point out to him any inconvenience the public could sustain by laying down the broad gauge on this line; and let him show how any individual could be injured by doing so, except perhaps the London and Birmingham Railway.

Mr. M. PHILIPS said, the question appeared to him to be, whether this was the proper time to insert this clause, contrary to what had been contemplated by the Committee on the Bill, or by the Committees on the Bills for these railways themselves? He must express his hostility to the idea of the broad gauge being brought into connexion with the narrow gauge north of Oxford. He had no interest in either line; all he was anxious for was, that the public should have as much accommodation as possible, and he should oppose the insertion of the clause.

Sir G. GREY expressed his regret that the question of the gauges should have been raised on the present occasion. The subject was fully discussed in the House upon the Resolutions introduced by the late Vice President of the Board of Trade, on the part of the Government some months ago, which Resolutions were adopted as a sort of compromise between the different interests concerned in the gauge question. The House accepted that compromise. After those Resolutions were adopted, he had asked the late Vice President of the Board of Trade whether it were the intention of the Government to bring in a Bill in order to give effect to them? He replied that it was. That intention, however, was not carried into effect while the last Government were in office; but the noble Lord, the present President of the Board of Trade, acting upon the assurance given by the previous Government, introduced a Bill into the other House of Parliament founded upon the Resolutions. That Bill had passed through its various stages in the other House, and had arrived at its third reading in this, when the inconvenient course had been adopted of moving a clause which had not even been printed, and the terms of which he knew nothing about till he saw them in manuscript a few minutes ago, making another exception in addition to those originally introduced by the Board of Trade—an exception which was now proposed for the first time, and which had not been mentioned in the previous discussion on the subject. Without entering into the merits of the case, he would merely say that the safest way would be for the House to adhere to the Bill as it now stood, and which had been framed in strict conformity to the Resolutions of the House.

Mr. HENLEY did not think that it was the province of the Committee to which this subject was referred to state the exceptions which should be made. He considered that this clause came within the spirit of the exceptions allowed by the Bill.

Mr. MANGLES observed, that the parties had had ample opportunities of being heard before the Gauge Commissioners, but they either did not appear, or if they did, they made no impression upon those officers, who were looking only to the interest of the public. The Board of Trade again decided on this question, after due consideration; and he denied that it was competent for the House, at that stage of the Bill, to adopt such a claim. He could not conceive on what ground they brought forward the subject again at that period of the Session.

House divided:—Ayes 15; Noes 46: Majority 31.

List of the Ayes.

Bernal, R.
Bridgeman, H.
Crawford, W. S.
Cripps, W.
Duncan, G.
Ferguson, Sir R. A.
Harcourt, G. G.
Hayter, W. G.
Henley, J. W.
Layard, Capt.
Nicholl, rt. hon. J.
Rolleston, Col.
Thornely, T.
Wawn, J. T.
Williams, W.

TELLERS.
Muntz, G. F.
Spooner, R.

List of the Noes.

Arundel and Surrey, Earl of
Bateson, T.
Beresford, Major
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Blackburne, J. I.
Bodkin, W. H.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Buller, C.
Byng, rt. hon. G. S.
Cowper, hon. W. F.
Douglas, Sir H.
Duncannon, Visct.
Dundas, Adm.
Ebrington, Visct.
Escott, B.
Etwall, R.
Gibson, rt. hon. T. M.
Gore, M.
Grey, rt. hon. Sir G.
Hawes, B.
Hobhouse, rt. hn. Sir J.
Howard, P. H.
Mangles, R. D.
Masterman, J.
Morpeth, Visct.
O'Conor Don
Palmer, G.
Parker, J.
Philips, M.
Pigott, rt. hon. D.
Plumridge, Capt.
Rich, H.
Rumbold, C. E.
Scott, hon. F.
Seymour, Sir H. B.
Somerville, Sir W. M.
Stewart, P. M.
Troubridge, Sir E. T.
Turner, E.
Ward, H. G.
Wilshere, W.
Wood, rt. hon. C.
Wyse, T.

TELLERS.
Tufnell, H.
Craig, W. G.

Bill passed.

EJECTMENTS (IRELAND).

House in Committee on Ejectments (Ireland) Bill.

On Clause 15—

> "No person making distress for rent, taxes, or rates, shall take other charges than those mentioned in schedule,"

Sir R. FERGUSON objected to the introduction of taxes, rates, and assessments. The sum of 2*s*. for each distress for taxes and rates was too high; and it was not desirable that any questions respecting distresses for taxes should be introduced into this Bill. The clause did not sufficiently define, whether, supposing a number of persons were to be employed, each person would have a right to 2*s*. a day—neither did it specify the 2*s*. as a maximum.

Mr. PIGOTT was of opinion, that it was equally desirable to limit the charge of distress for rates and taxes, as for rent. If his hon. Friend thought the 2*s*. too high, he would consider the schedule with a view to its alteration.

Mr. G. A. HAMILTON said, the recommendation of the Land Commission with regard to the limitation of the charges of distress, applied only to distress for rent. He understood from his hon. Friend near him (Sir R. Ferguson), that the charges for distress in the case of rates and taxes were already limited by law. If that was not so, it might be desirable to limit them also; but in that case he thought the 2*s*. should be fixed on as a maximum. In the case of distress for rent, the magistrates had no power of awarding a smaller sum. He would take the opportunity of asking the right hon. Gentleman (Mr. Pigott), why it was that a clause which was contained in the Bill, as originally introduced, founded upon the recommendation of the Land Commission, was omitted in the present Bill; he alluded to the clause by which the jurisdiction of the assistant barrister was extended to cases of permissive occupation. The Land Commission had given that subject much consideration. It was usual in Ireland, from charity or other causes, to put persons into occupation of a house, as caretakers, or from mere bounty. The law in reference to such cases was in an unsatisfactory state; and frequently such occupation had led to collisions and unpleasantness between the proprietor and occupier. Under these circumstances, the Commissioners had thought that the fifteen days' notice, and the disposition by legal process, would be advisable; and a clause for that purpose had been introduced in the original Bill. He begged to ask why it was now omitted?

Mr. PIGOTT said, with regard to the first point, he certainly thought it desirable that the fees for distress for rates should be regulated; but, probably, it might be advisable to introduce those fees in a second schedule. With regard to the second point adverted to by his hon. Friend, it had formed the subject of much consideration with the present Lord Lieutenant of Ireland; and, on the whole, it was not deemed expedient, in the present Bill, to extend the jurisdiction of the assistant barrister. The clause, as originally framed, would have given barristers jurisdiction in cases of title to land, which was contrary to the intention of the Legislature—their jurisdiction was intended to be confined to cases of contract. It would have operated upon the Statutes of Limitation and other important Acts: for these reasons it was deemed expedient to omit that clause.

The Clause passed. Bill passed through Committee. House resumed, and adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, August 13, 1846.

MINUTES.] PUBLIC BILLS. — 1ª. Commons Inclosure (No. 3); Drainage of Lands; Wreck and Salvage.

2ª. Deodands Abolition (No. 2); Sugar Duties (No. 3); Court of Common Pleas; Militia Pay; Patent Commission; Forms (Assessed Taxes).

Reported. Mandamus (Ireland); Adverse Claims (Ireland); Highway Rates; Loan Societies; Turnpike Acts Continuance; Stock in Trade; Copyhold Commission.

3ª. and passed. Grand Jury Cess Bonds (Ireland); Prisons (Ireland); Books and Engravings.

Received the Royal Assent. Consolidated Fund; Art Unions.

PETITIONS PRESENTED. From Guardians of the Cambridge Poor Law Union, for Repeal of Lunatics Act and Lunatic Asylums and Pauper Lunatics Act.—From Guardians of the Milford Union, for Relief from the Outlay connected with the Erection of Workhouses.—From Hunstanton, against the Sugar Duties Bill (No. 3).—From Titchmarsh, against the Poor Removal Bill.

LAW OF ARREST.

LORD DENMAN having presented several petitions for the abolition of judicial oaths,

LORD BROUGHAM said, he wished to call the attention of their Lordships to the grievances to which foreigners were now exposed by the state of the law, and the manner in which oaths were allowed to be taken in this country. He would simply state the facts of the case to which he was about to refer, and then beg their Lordships to provide some remedy for the necessity. A gentleman of great respectability, a foreigner, Mr. Ouvrard, with whom he had the honour of being intimate, and who was also an intimate friend of his noble Friend the gallant Duke who now generally sat on the cross benches, and also of his noble Friend Lord Ashburton, and of his noble Friend the Earl of Lonsdale, on his journey from Strathfieldsaye, where he had been on a visit to the noble Duke, to the seat of his noble Friend the Earl of Lonsdale, was arrested a few days ago by a person in the situation of a pewterer, a maker of pewter pots; but who pretended that he was a civil engineer. Now Mr. Ouvrard had been, as many noble Lords were aware, connected with transactions to the amount of between 30,000,000*l.* and 40,000,000*l.*, and without his aid we could not have effected the subsidies with France, nor completed the last peace in the years 1817 and 1818; but the person who arrested him stated that he (Mr. Ouvrard) owed him 1,000 guineas—a round sum of 1,000 guineas—for work and labour as an engineer; and that he had sworn that he was about to quit the country. The fact, however, was that Mr. Ouvrard had taken the lease of a house for six or eight months, and part of the work and labour charged against him was for surveying those same premises. The pewterer had the audacity to swear that Mr. Ouvrard owed him 1,000 guineas for the work he had surveyed. The affidavit was laid before the Lord Chief Baron, who thought fit, without any furthor inquiry, to issue an authority for a warrant, under which Mr. Ouvrard was, on Wednesday week, arrested and taken to a lock-up house in Chancery-lane, where he (Lord Brougham) saw him. The Lord Chief Baron endorsed the writ for the full amount of 1,000 guineas, without the least inquiry, beyond the affidavit, as to that sum being due, and it might as well have been endorsed for 10,000*l.* Indeed, a *capias* was once issued against his friend Mr. Mendizabel for 150,000*l.*, and as bail would have been required for three times that amount, he must have gone to prison had he not avoided the writ by flight. Mr. Ouvrard remained in custody at the sponging-house from the Wednesday to the next Monday, when he filed an affidavit peremptorily denying that he was going abroad, or that his niece had so stated, and declaring that he was going to Westmoreland. Application was made to the Judge at chambers; and he (Lord Brougham) would have thought that, as a matter of course, Mr. Ouvrard would have been discharged from custody at once; but the Chief Baron declared that the other side ought to have an opportunity of filing affidavits in reply. Of that he especially complained, because if that were allowed them, of course Mr. Ouvrard would be permitted to file affidavits by way of rejoinder, and so the matter might go on for a year, whilst the party was still in custody. He complained, then, of the law which enabled a Judge to allow such a proceeding. The result was, that this gentleman was remanded from the Monday till Wednesday, having been for seven days and eight nights locked up in a sponging-house, when the moment the Judge applied his mind to the case he was dismissed as a matter of course; and yet the learned Chief Baron did not give him his costs. He (Lord Brougham) had a direct interest in this case in common with their Lordships; for, as they were aware, the French law, whether right or wrong, declared that whatever law was applied to French subjects in other countries, should be applied in France towards the subjects of those other countries, as a kind of reciprocity; so that if he happened to have a dispute with an agent, he might, the moment he got to the French territory, be arrested, not for any certain debt, but for any sum any agent might fancy; and, as he had no privilege of Parliament there, he would be forced into prison. He knew the manner in which other Judges acted with respect to the noble and learned Lord's Bill (Lord Campbell's); they inquired before they endorsed the writ, to see that there was some show of probability in the intended going abroad; and Mr. Justice Wightman, when a man swore that another was going abroad, asked, "Have you searched the Passport Office?" and that not having been done, he would not give the writ as a matter of course. Now his noble Friend (the Marquess of Normanby) was in the eye of the law *in meditatione fugæ*, as he was about to go as ambassador in Paris; and if he had not the privilege of Parliament, he might be arrested for any amount any one chose to swear owing by the noble Marquess to him. If this were the state of the law, it was absolutely necessary that it should receive some explanation.

Lord CAMPBELL, having had a considerable hand in the framing of the law, sincerely lamented the misfortune that had befallen Mr. Ouvrard, who was a gentleman of great respectability and wealth; but he believed that the law had been placed on a just, equitable, and satisfactory basis. Formerly any person could arrest another on swearing that a debt was due: he regarded that law as a reproach; but it would be wrong if it had been left in the power of a debtor fraudulently to escape from the country to avoid his debts. This was done in imitation of the Scotch law; but the Judge must be satisfied that the party was about to fly the country to avoid his creditors: till he was about to do that he was not liable to arrest. It was absolutely necessary that such a power to prevent fraud should exist somewhere; and he knew no hands in which it could be so safely lodged as those of the Judges. No doubt the Chief Baron had been misled by the affidavits of the person claiming the money, because it must be clearly proved to the Judge that there were reasons for the belief that a party intended to leave the country before he would endorse the writ.

Lord BROUGHAM said, that the principle was taken from the Scotch law, but not the details.

Lord DENMAN apprehended that there was no alteration made by the late law as to the form of application for an arrest. He apprehended that if any one swore that another was indebted to him in the sum of 500*l.* for work and labour, it would be difficult or impossible for the Judge to make any preliminary inquiry whether the affidavit was right as to the amount. As to the circumstances from which the Judge was to infer that the party was about to leave the country, they must be set out fully in the affidavit; and he did not think the Judges allowed any party to file affidavits in reply, in the manner stated; and, in justice to the Lord Chief Baron, he must say he believed that in this case he appeared to have acted according to the usual practice in allowing the writ to issue.

Lord BROUGHAM said, that allowing affidavits in reply was the grievance of his charge; but here there was no inquiry as to the amount claimed being really due.

The LORD CHANCELLOR said, that a party claiming a debt went before a Judge, swearing to the amount. What opportunity was there from this *ex parte* statement for the Judge to see whether the amount was really due?

Lord BROUGHAM said, that every one knew that the parties never got the full amount of the damages laid in the declaration.

THE POOR LAW COMMISSIONERS.

Lord BROUGHAM rose to move that the Returns ordered to be made by the Poor Law Commissioners by that House be made forthwith. One was an important Return relative to communications that had passed with them. It had been proved in another place that one of the Commissioners had interposed, and the Secretary had not made the Returns. He had moved for them three times, and a fortnight since had moved that they be made forthwith, and yet they were not made. The Poor Law Commissioners were bound to make the Return; to speak gently, it was a grievous neglect of duty in the Commissioners setting themselves against the Orders of that House. The other Return was of the number of times the Commissioners had met as a board since 1840; he understood the Return would be "*nil;*" and if so, they had not acted in a legal manner; for the Act gave power that they, or any two of them, "acting as such board," should put the Act in force. It was necessary that they should hold a board; and yet it appeared in evidence elsewhere, that they had not done so. He deeply regretted this, because it increased the clamour out of doors against the law, which people, for reasons of their own, made against it. After a short pause, the noble and learned Lord again rose and said, that it was suggested to him that he was wrong in moving for the Returns forthwith, as he had already moved for them three times, and a fortnight since had moved that they be presented forthwith, and that he ought not to move a fourth time. He therefore gave notice that, if the Order were not complied with, and the Returns made by five o'clock to-morrow, he would move that the Commissioners and their Secretary be called to the bar.

SUGAR DUTIES (No. 3) BILL.

The Earl of CLARENDON moved the Second Reading of the Sugar Duties Bill (No. 3).

The Bishop of OXFORD said: I assure your Lordships that it is not without feelings of the greatest diffidence that I rise for the purpose of opposing the present Motion. The cause in which I am called upon to address you is one, the character of which is, in my eyes, peculiarly sacred; yet I feel the greatest difficulty in opposing myself to any proposal proceeding from Her Majesty's Government. It would give me great pain at any time to oppose a Government measure; and I conceive it to be highly inconvenient that opposition to any measure introduced by the Administration for the time being should proceed from any one sitting on this bench; but the pain necessarily occasioned by opposition of any kind, is much increased by the duty of opposing the present Government upon this question. I beg further to assure your Lordships, that if the Bill now before you was one which related merely to matters of revenue or finance, I should so distrust my own judgment, that I should not be found in opposition to the proposal of the Government, and upon other grounds I should abstain from troubling your Lordships this evening. But the Bill now before the House is not a matter of revenue or finance—it is one which affects, most deeply affects, the moral character, the justice, and the integrity of this country; and however influenced I may be by every one of the restraining feelings to which I have referred, I still am bound by a sense of duty to take the course which I am now about to pursue, and to obtrude myself on the attention of your Lordships upon this occasion. I repeat that it is peculiarly painful to me to oppose the present Government, because I cannot forget that those who preceded some Members of the Queen's Ministry in the hereditary honours and titles which they enjoy, were men distinguished for a long, persevering, and uniform support of that side of the present question which I humbly and feebly endeavour to advocate; they were friends of the cause in the old days when the cause was in disrespect; they were no summer friends to the cause they advocated. The noble Marquess, now President of Her Majesty's Council, I have long been taught to regard with honour and admiration on account of his opposition to slavery and the Slave Trade. I also cannot forget that a noble Earl, the second who possesses the title now borne by the Colonial Secretary, made a Motion in the House of Commons against the Slave Trade, and with a view to its total abolition. Therefore do I feel the greater pain in thus addressing the House; but the claims of duty frequently force us to do that which is the most repugnant to our feelings; and I can truly say, that if I did not feel bound by a strong tie of duty, I should on the present occasion have given a silent vote. But let me say at once, that I mean by no covert insinuation to suggest that noble Lords who support this measure, are one whit less humane, one whit less sincere and earnest in their desire to prevent slavery and the Slave Trade, than I am myself. I shall of course not trouble your Lordships with the metaphysical argument, in which I think we are right. It is what we know and see every day, that much is taken for granted; but that only makes it more the duty of those who consider they perceive, and in those noble Lords who desire to maintain, the right in this case, though an error in judgment if wrong, to come forward and to endeavour to clear away those misconceptions which have led others to a wrong conclusion. I think, after giving to it the best consideration, that the question, in the view that they take of it, may be stated in the fewest possible words. The argument which has been brought forward to induce your Lordships to pass this Bill is this—the people of England are now supplied with an insufficient quantity of an article, if not entirely essential to their well-being, essential certainly to their comfort, essential in a high degree even to their well-being; the quantity therefore which is now supplied must be increased; the increase can only come from facilitating the trade in that article with Cuba and Brazil; and therefore you must facilitate the admission of Cuba and Brazil sugar, in order, first, to supply the people at home with a sufficient quantity of this article, which is so necessary; and, secondly, to provide a vent for your manufactures, the production of which is the main livelihood of your home population. This, I think, is the argument put before us. Now, this argument implies this, that a larger quantity of sugar must be exported from Cuba and Brazil, to be imported into this country. And it necessarily implies this, for this reason, that the deficiency of the supply in the English market is not because the English market is not able to command this article in preference to other markets, but because the entire production of sugar, in all sugar-producing countries, is so limited that you cannot increase, as you wish, the supply to the English market, without increasing the production in the sugar-producing countries. I have it from a far higher authority than myself, from a declaration made in another place by a Gentleman who is well acquainted with the particular subject and the particular countries—from Sir J. Hogg—that there has not been up to this time, in all sugar-producing countries, such a sufficient supply of sugar as is required to be supplied. He went on to say, that only in regard to this great article of consumption does there occur the fact that, if you take the trade of a year, there is not at the end of the year three months' supply left on hand, so closely—even in a year—does the consumption of the produced material tread on the power of production. Therefore, does it seem that there must be an increased, and a greatly increased, power of production in Cuba and Brazil, in order to supply that increased demand which it is your purpose to create in England. Now, how is that to be increased? Not—and here I may quote the authority of the noble Earl (the Earl of Clarendon) upon the Treasury bench at this moment—by the introduction of machinery into Cuba and Brazil, because, as it was most truly said by the noble Earl, the powers of machinery imply a certain amount of knowledge, of civilization; the Slave Trade implies no amount of civilization, and therefore you cannot bring, you cannot compare, the two things together. The Slave Trade implies the production of sugar by the sinews, the muscles, and the thews of men—the mere effort of a man's strength; but by machinery are implied very different forces and agents. And it is not, therefore, that you will bring in machinery to do the work and to effect the end, but it is that you must, in some way or other, obtain from the manual labour of Cuban and Brazilian workmen, that greater amount of labour you require. Now, again, how is this to be obtained? Not by a greater amount of labour exacted from existing labourers: no; it is admitted on all hands that a greater amount of labour from that source cannot be obtained; that every effort has been tried, and that every effort has failed; that the lash has done its utmost; that physical suffering of every kind has done its utmost; and that the exertions under the influence of the lash which already have been made, are not to be exceeded. Therefore it is impossible thus to do it. At this moment we know by the accounts we have obtained, that the slaves of Cuba and Brazil are calculated to perish at the rate of 10 per cent per annum—that always at the end of ten years the whole existing amount of labour is killed off, and a new stock has to be brought in. It is therefore impossible out of the existing stock to obtain a greater amount of labour than is already obtained. How, then again, I ask, is it to be obtained? The only way to increase the production is to increase the number of producing labourers, that is to say, to extend the Slave Trade, which brings those labourers from Africa. And this is capable of being reduced so much to a numerical calculation, that, finding as we do in Cuba that the labour of one negro is equal to 19 cwts. of sugar, we may say that for every additional ton of sugar purposed by this Bill to be introduced into England, directly and by necessity—not by the remote chance of circumstances and causes —not by a mere entangled chain and connexion of causes, but directly and immediately—foreknowing and with our own eyes open—we render necessary the importation of one fresh negro labourer from Africa into Cuba and Brazil. But this is not all. Multiply that labourer who is to labour there by all the loss of human life which attends the collecting of negro slaves in Africa. Even this is not the worst part of the business; for these slaves, before being made slaves were free, and their capture is the occasion of rapine, war, violence, and bloodshed on the coast of and in Africa; and, therefore, we are carrying back into the heart of Africa itself all this mischief. It is not solely and alone the single man that is represented by this significant 19 cwts.; it represents likewise all the fearful amount of iniquity, cruelty and injustice in Africa, which is previously to be perpetrated before this one man is to be bought on the coast, and put in the hold of a vessel to be transported across the middle passage. Then, there is to be considered also the waste of life in the middle passage and in the seasoning, and you are to take all this into account in making an accurate calculation. For every 19 cwt. or 20 cwt. of sugar you are going in this way to introduce into England, you will have to consider the loss of life in collecting the labourers in Africa, then the loss of life in the middle passage, and the seasoning on reaching those shores which to him are so cruel and inhospitable. Therefore, it is clear that the direct and necessary effect of this act of yours must be to produce a great, an immediate, and therefore, I say, a most iniquitous increase in that great crime—in that greatest of crimes —the Slave Trade; the capturing of man by violence, and violently and cruelly transferring him from the condition of a free man to the condition of a slave. Now, my Lords, this argument appears to me to be incontrovertible; at least, I will say thus much, that as yet it has been uncontroverted; there has been no direct answer to it whatever, and I speak after having studied with great attention the recent debates on this subject both in your Lordships' and in the other House. This plain, and as I think convincing argument, remains as yet untouched. It certainly has been met in this way, by a series of objections which have been urged to take off the force of the argument, the argument itself being left without an answer. One objection urged—urged, I think, in your Lordships' House, and undoubtedly elsewhere—is this, that the whole of our argument falls to the ground, inasmuch as it is capable of proof that the increased production of sugar in Cuba and Brazil has not been kept pace with by an increased number of the imported negroes. Such was the argument addressed on a recent occasion to your Lordships' House by the noble Earl. It was urged by the noble Earl, that whatever may be the weight of the abstract argument, experience, which has greater weight, has proved this—that Cuba and Brazil could go on increasing the production of sugar, without increasing the number of the negroes by whom it is produced. But what is that, my Lords, really worth? I deny utterly the truth and verity of those figures on which the objection is based. A statement was produced by the noble Earl, giving the number of tons and cwts. of sugar produced from a time, beginning in 1844, and going five or six years backwards, and showing on one side the increased quantity of sugar produced, and on the other the diminution in the number of negroes imported. Why, we have no data—no real, reliable data of either the one or the other. We have no data for the quantity of sugar produced; because the only measure, the only approximation to a measure of any such which we have, is the quantity exported, not the quantity produced. We know only what was exported; how can we know what was produced? We hear the greatest conceivable complaints at this time, that there is a perfect glut of sugar in the markets of Cuba and Brazil—that it has no exit: this may have been the case in one of the years mentioned; and we have, therefore, only the quantity of sugar which was exported, and know nothing of the actual production. Then, on the other hand, what do we accurately know of the number of actually imported slaves? Why, we know nothing. In the returns brought forward by the noble Lord, and in those given to us by consular authority, we have certain statements; but what are they worth? What can the consul at Havannah tell of the number of slaves imported along that coast, when it is a fact that the trade in these slaves is declared to be and dealt with by that consul as illicit and contraband? I ask, how is it possible he can furnish any true returns of the trade or of the number of slaves landed along that wide seaboard? The thing when it comes to be examined is absolutely fallacious, and unsound from beginning to end. We know then, as I have proved, nothing of the quanty of sugar produced; we know nothing of the number of slaves imported; we cannot compare them; and therefore an argument so insecure in its numbers, and depending for its validity, if it have any validity at all, on its numbers, cannot be accepted; and it is not a necessary sequence that the sugar is not produced without additional labour, and that the labour is not furnished by an importation of negroes. But there is another very important consideration—so important that I wonder it did not strike the acute mind of the noble Earl, that the introduction of negro labour into sugar-producing Colonies does not create in that year, or in the year following this introduction, any great increase in the sugar produced. The great necessity in those Colonies is, first, to keep up the existing supply, there being something of a regular demand; and, secondly, it is requisite to break up, calculating upon an increased after demand, the virgin soil, to build houses, to plant canes on the new lands, and to construct sugar-houses; and there is called for an immense addition to the number of labourers to bring these lands to the stage in which sugar is produced. It is five or six years before there is obtained that sugar which is the result of the toil in breaking up these lands, and of bringing them into cultivation; and therefore, provided that in the year 1840 or 1838, or in the year before that, there was an immense importation of negroes, the effect extended over the five or six years referred to—to 1844. You have, during those five years, a lull in the importation from Africa, and in the last year an increase in the production of sugar; for, in the preceding year, you had not to break up new lands. Thus, without an annual increase in succeeding years in the number of labourers, you have an increase in the quantity of sugar produced. But it is no mere speculation—in the very year preceding that to which the noble Earl pointed, there was one of those vast importations of negroes. In the one port of Rio alone, in the year preceding that referred to, no less than 30,000 slaves are stated to have been landed to break up the virgin soil; and the result of that importation, with the production year after year, has given you the state of things which the noble Earl has shown to have existed. This is the objection of the noble Earl to our argument; but while a negative argument is worth nothing, a positive argument is worth everything; and so far as this objection, on which great weight was laid by the noble Earl and by the noble Marquess, goes, the original position which I venture to lay down stands unshaken, and is to be received by your Lordships as untouched. It is so far true that the direct effect of this Act will be as a stimulus, as a bonus on that great crime, the Slave Trade. Another argument against us, which seems to me to be looked upon as the greatest of all, and which I find urged in all companies by persons of honour and integrity on that side, is what I would call the moral argument. It is said, at all events it is not possible for you who object to this measure to hold your objection, because you permit and sanction the importation of other articles, the production likewise of slave labour. You are receiving Carolina cotton; and how can you show a conscientious objection to taking Cuba sugar? The noble Marquess (the Marquess of Lansdowne) will do me this justice, not to include me among those who, as he supposes, are hypocritically using this argument, for the purpose of covering altogether a different ground—that, at any rate, he will not think I am a disguised protectionist. I have been ready before now to sustain all the obloquy I may meet with in proclaiming myself, on all proper subjects of free trade, as much a free-trader as the noble Marquess can be; and therefore I anticipate the noble Marquess will give that weight to what I say which the argument *per se* deserves, and without thinking he is dealing with a man who puts it on the ground of humanity, secretly intending to cover the ground of protection and personal interest. What is this, the moral argument, worth? It takes, if developed, this form; but you cannot, you are not bold enough to say—you do not stop the introduction of cotton from America, and therefore you have no right to refuse to admit sugar from Cuba: you cannot say this. Is it, in a grave assembly of reasoning men, to be told to us, as a convincing argument, that because I cannot undo one evil, therefore I must consent to another? Am I to be told it is argument to bring forward to your Lordships in such an assembly as this, that because

I cannot prevent housebreaking, therefore I am to legalize murder? Am I to be told, because it is impossible for me to prevent my people dealing in the cotton which the cotton slaves produce—which dealing, be it remembered, begun before this country announced it would have nothing to do with the Slave Trade or slavery; which trading we then found established; which trading from that day to this, this country has never been called upon to avow as a new principle—that, therefore, because this evil cannot be redressed, I would be a hypocrite not to join in inflicting another evil? When this argument comes to be weighed, it is utterly untenable, and will, I hope, be abandoned by your Lordships, and even by those who allowed themselves in extreme stress to use it; and it is an extreme and wonderful stress they are in to find arguments to meet that overwhelming case against them. But this is not all; we are told that we do not alone take cotton from America, but from Cuba itself there are goods admitted—as copper, coffee, indigo, and even sugar. That argument I answer at once by saying—I, for one, am perfectly ready to join with Her Majesty's Government in forbidding the introduction of Cuba copper. Let the noble Lords who occupy the places of the Government produce a measure which shall make it illegal to import copper the produce of labour of a most horrible description in the copper mines of Cuba and Brazil, and they will meet with the most unbounded support from me and from those who think with me upon this question. So far we would be quite free from the charge of hypocrisy, for we are as ready to join in repealing that as we are joined in opposing this. There has not, however, been a very fair statement of the case. It is stated that in the year 1842 the duty was taken off, and the introduction of copper from the mines of Cuba and Brazil was for the first time permitted. But that is not the fact: as the law stood before that, copper from Cuba and Brazil was admitted, not to be sold, indeed, in England, but to be smelted under bond; and all that we did in 1842 was to make a variation in the previously existing license—not to grant a new license altogether. It was a measure expedient on the ground of public revenue; not on which to introduce more Cuba copper into this country, but for a peculiar purpose—to be smelted and then exported. [Earl Grey: Hear, hear.] Mark how the noble Earl cheers: he thinks the argument unsound; but I use it only so far—we have taken no new step in introducing slave-produced copper within the last few years. I desert that argument; I say exclude this copper altogether, and that is my answer. And in arguing in this way the noble Lord will remember that there is this great distinction—this is not a sugar-producing country for our own necessity; we are not only a copper-producing country for our own necessity, but we are a copper-exporting country, and that, therefore, this copper does not find its way into the English market, and is only smelted for foreign importation when under bond. This, then, is our reply to the main argument, that I and others opposing this measure are ready at once to make illegal the importation of copper produced by that amount of wrong, ruin, and misery, involved in slave labour. Then the question of coffee comes; and I beg the attention of your Lordships to this point, for it is one of great importance, and one concerning which there has been much mis-statement. Some few years ago the coffee imported from Brazil and Cuba, was coffee imported only for re-exportation. There was a custom then universal in those places of drying the coffee on hides; this process imparted to the coffee a flavour which rendered it unsaleable in the English market; but the more northern nations, esteeming that particular flavour, were great purchasers from us of that coffee. The producers in time discovered this fact; they dried the coffee afterwards in a very different manner, and it then came direct into the English market. Here, however, the noble Lord will observe, that my objection, and that of many others, is not an abstract objection to articles produced in a country the internal institutions of which admit of slavery. I for one hold that with such a case as that we have nothing to do. My objection is, that this Act is a direct bonus on that which we, as a nation, have declared to be so great a crime that we brand it as piracy on the high seas. We have pledged ourselves, and have the concurrence of other nations, so to deal with it; and it would be a contradiction to an instituted national principle of this country to do anything to encourage that which, as a nation, we have so branded. Now, the production of coffee in Cuba and Brazil does nothing to encourage slavery. I maintain it on this ground—and I think I can prove it—that the growth of coffee affords abundance of employment, especially, not for the full-grown negroes, but for the women and children; and that the labour of the women and children in this is of more value than that of the full-grown slave. His strength is wasted in the coffee plantation; it is valuable in the sugar plantation; and thus an encouragement to the trade in coffee has an influence to make it the interests of the Brazilian planter to foster the growth at home of a native race of negroes, in place of importing them from the other side of the Atlantic. Those coffee plantations are the cheapest and best which are attended to and laboured in by women and children; these will have to be procured, and can only, if their growth be not encouraged at home, be procured from Africa; and just so far as you, in these countries, throw difficulties in the way of sugar, and facilities in the way of the importation of coffee, do you tend to make the planter in Cuba and Brazil depend for his profit upon the production of coffee, and not upon the production of sugar—just so far do you throw a hindrance in the way of the Slave Trade, and offer a bonus to the nurturing of a native race of negroes, growing up amid all the amenities of family life—and just so far, also, do you sow the way, in time —be that nearer or distant—for extirpating slavery itself; substituting free labour, obtained from the country itself, for the unhappy negro slaves carried across the Atlantic. Thus, though the coffee imported into this country be an article produced in a certain degree by the Slave Trade, yet the encouragement to that importation is inimical to the Slave Trade, and has the greatest direct effect in supplanting the profits of that trade in the very country from which we import the coffee. I think your Lordships will now admit that the second objection as well as the first, has been answered on a twofold ground. It has been shown that it is absurd to say, because you have done wrong in this case, and cannot get out of the wrong, therefore do wrong in another case. Why, my Lords, this is the argument that has been handed down to us as illustrating the history of temptation. What is the history of the temptation of every man in crime but this: he has taken one step, therefore take another; he has injured his character, and contracted evil connexions; it is too late to amend, and he goes on, on, down that dread descent which leads to reprobation and ruin? And, then, my Lords, think what that argument is; we may have done wrong of old in polluting ourselves with the horrors of the Slave Trade; we were mixed with slave-trading and slave-labour employing countries; late in the day we severed ourselves from an open participation in those enormities, but the remains of that former iniquity hang about you; and because I can point out to you those, therefore be consistent, and join us to the full amount in those unholy profits of which once you, with other nations, were the unquestionable partakers. I think that that second objection is despatched. I will now proceed to say a few words on the third objection raised against us opposing this measure, and I will put it in the plainest form. It is said that the people of England must have an increase in their supply of sugar; that is the mode in which it is generally put; but I have heard it urged in an influential quarter in a more objectionable way; it was stated in language like this—it is quite true that you have abolished the Slave Trade as a matter of justice; but now there is another injustice done; the English people must have everything they want, and you must consider how much that claim of the English people qualifies your former principle of the necessity of abolishing the Slave Trade, and the principle of not introducing any measure that may tend to encourage slavery. Now, my Lords, I deny in the most emphatic terms that the people of England have any right to have any want supplied at the cost of injustice, robbery, and rapine; the English people have a right to expect at your hands, that you will enact laws lightening their burdens, and facilitating their obtaining from every part of the earth what may conduce to that end, provided it comes in by lawful channels of commerce; but the people have no right, and what is more, I do not believe if they were appealed to that they would be found to demand, that they should be supplied with luxuries, or even the necessaries of life, where they are earned by the blood of those who, if Christianity be not a fable, are their very brothers. I say, therefore, my Lords, that this argument of the necessity of an increased supply of sugar for the people falls utterly through. But then it has been attempted to be supported, as weak arguments often are, by a second weak one, as if two weak positions joined together would make a strong one; and it is a common fallacy for reasons of this kind to be supported in this way: it is said, though the argument as to the supply of the people may not be maintainable, yet, after all, we believe that in the long run, as a commonly admitted principle, free trade will do away with the Slave Trade and slavery. The proof is attempted in this way—it is stated that slave labour is dearer than free, and that if the countries cultivated by slave labour are brought into competition with those where free labour is used, they will, by the necessity of that competition, be forced to adopt the free system. This argument is produced with something like force, for it has the appearance of a weapon taken from our own camp. You say the emancipationists and abolitionists were always telling us free labour is cheaper than that of slaves: but what is really the argument? It is this, that free labour, *cœteris paribus*, is cheaper than slave labour; that if put together, the lash on the one hand, and the inducements to work furnished by a domestic and family existence on the other, then the free man will do more work than the slave. This is undoubtedly true; but this argument is altogether inapplicable when a new condition is introduced, and is therefore altogether annihilated when it is permitted to the slaveholder to introduce an unlimited number of full-grown slave labourers to replace those who may be killed off by the work, or rendered valueless. It is not true then that free labour is cheaper than that of slaves, in the sense of a more immediate production of wealth. It is altogether untrue. I do not for a moment mean to say that the great Governor of this world has so ordered things that the larger reward will be to the unjust man who uses his fellow being as a slave, above the man who justly uses his hired labourer; but there is a more immediate return of wealth in one case than in the other; because wealth alone is not to be the measure of the blessing given by Providence upon one sort of labour compared with the other. Wealth may be obtained by slavery, but obtained in that evil way it brings a curse, not alone on the individual, but on the nation that so obtains it; and thus we see that slave labour, while it produces more immediate riches, produces also evils which are the sure witness of God against it. It introduces miseries and evils of every kind; every uncertainty as to the rights of property, every uncertainty of the tenure of life, not to the oppressed only, but to the oppressor; while it poisons all the relations of family life with regard to both. The history of all slave communities shows this to be so. It is true, indeed, that men may gain great riches by the system; but with it comes a curse that poisons the wealth, and makes it valueless to its possessors; men tremble in their very houses lest the instruments by which they have amassed the treasure, may at any moment become the avengers of the crimes by which they were made the instruments of obtaining it. As it is, slave labour, with an unlimited supply to replace those killed off, is undoubtedly cheaper than the labour of the free man, than the labour of those free men raised patiently through the years in which they can do no work, and maintained at the end of their lives through the years in which they can do but little. But it is said that in Cuba and Brazil this increase of slave labour, without stint or limit, is acting wholesomely in checking the importation by creating a fear of the slaves themselves. An abundant answer to this is, that the fear and the love of gain do not possess the same parties. The fear dwells principally upon the wealthy planter; the desire of gain rests upon the indigent, needy, and adventurous planter, and on the unscrupulous and greedy slavetrader who has no stake in the country. Whilst the greatest terror possesses the large capitalist, cupidity inspires the other; and the two elements, instead of checking one another, co-exist together. There may be a perfect dread in one portion of society of the continued importation of slaves; but there is a perfect thirst for gold in the other; and the conflict only serves to produce intestine discord, and to aggravate the condition of the negroes so introduced. What I say is, that with this power of an unlimited supply of slaves to cultivate the virgin soils, slave labour is absolutely cheaper than free; and by this measure you will stimulate the transference of the negro from Africa to these sugar-producing countries in the exact degree to which you introduce their sugar into your own market. There is one more objection, my Lords: it is the last I shall trouble the House with, and I must apologize for troubling it even at this length—it is said that, after all, the system of abolition upon which this country has hitherto been acting has proved a total failure; and that, therefore, we ought to make an alteration in it. It is said we have tried covering the coast of Africa with our vessels of war—we have tried the exclusion from our market of the produce of Cuba and Brazil;

and yet all has failed—that at the present time the Slave Trade is four times as great as it was in 1807, when we passed the Abolition Bill; the system having thus proved a total failure, it is high time to try another course. But in this objection, again, I deny altogether the first position—I deny altogether that a greater number of slaves are now introduced into these countries than when we began our efforts. There is a barefaced fallacy in this statement, by which your Lordships must not be led away. The question is not whether there is a greater number of slaves introduced than in 1807, but whether that number is as great as it would have been had the Abolition Bill never been passed. Is this maintainable for a moment? To continue the stock of slaves in your own West India islands and in the Colonies you took from the Dutch and the French, upon the lowest computation, even if a single acre of virgin soil had not been broken up, 15,000 or 20,000 negroes would have been required annually. The transport of that number of slaves has been entirely stopped; so much for one part of the failure. And why has there been an increase in the importation to Cuba and the Spanish and Portuguese settlements? Was it in consequence of your measures? No; it was in spite of them; it has been caused by the increased riches of the Continent of Europe, making it a greater sugar market than before; and that increased demand for sugar in the market of Europe has increased the importation of slaves to supply the demand, in spite of all your efforts; it has overpowered all your exertions. But will any man bring this forward as an argument for throwing open to the produce of those slave countries the richest and greatest market on the face of the earth? If, in spite of everything you can do, by shutting them out of the richest market in the world, the demand for their produce has increased to this extent, surely it follows, as a demonstration, that if you open to them that richer and more powerful market, you will do more to stimulate the Slave Trade than ever you have done hitherto. There is one other part of the subject to which I wish to allude. Although there has been a great exportation of negroes from Africa, yet we have recently had abundant evidence that we were on the very margin of effecting the greatest possible abatement of the evil. This evidence comes from both sides the Atlantic. The noble and learned Lord (Lord Brougham) read a letter from a Government correspondent in Brazil, showing that there was spreading among the population there a feeling of great dissatisfaction at being excluded, on account of the Slave Trade, from the market of England, especially among those who wanted an immediate return of profits. There was a great disposition in that part of the community to admit that, given the exclusion from the English market, they were losers in many respects, instead of gainers, by the continuation of the horrible traffic. The Governments of Cuba and Brazil have long agreed with us to put down the Slave Trade, and to deal with it as piracy; but they have been overborne by their subjects. The people themselves are beginning to feel what exclusion from the markets of England is, and would be ready to join, not in treaties, for we have had treaties enough, but in giving effectual means for carrying those treaties into execution, and preventing the introduction of slaves. This is what is going on on that side of the Atlantic; on the other side, we have had, with the exception of an interval during the alarm of the Chinese war, a greatly increased and more efficient force on the coast of Africa, which has driven the Slave Trade out of its most favoured haunts, and limited it to comparatively a few spots, well known and more easily watched. We have been able to contract with the native chiefs new treaties for the extension of wholesome and lawful commerce; ports have been given up to us, which have been turned into outworks against the Slave Trade, instead of being its strongholds; missionaries having been appointed there along many miles of coast who are using all their means to civilize and convert the natives. Portugal is more disposed to co-operate with us than she has ever yet been. I have been told to-day by Dr. Lushington—an undoubted authority on this question—that, within the last few weeks, the Portuguese Government sent word to a near relation of his, that a vessel, built for the Slave Trade, was fitting out in a Portuguese port, and inviting him to come in and seize her, and prevent her engaging in this infernal traffic. France is joining heartily with us in the suppression of the Slave Trade; and those best acquainted with the subject have stated their opinion, that the combined fleets of France and England, acting heartily together, will be able to blockade and seal up the coast of Africa. In that opinion the late Secretary for Foreign Affairs coincided; that opinion is also held by the noble Lord who now holds that office. In the course of five years, eleven treaties and four conventions have been concluded for putting down the Slave Trade. If the present Powers act together heartily and honestly, they will be able to seal the coast of Africa against the exportation of slaves. But what you are now called on to do, my Lords, is to make all you have already done valueless and of none effect, and to reopen the Slave Trade along this immense seaboard; therefore, just at the very moment when there is the most reasonable expectation of reaching the goal we have so long thirsted for—just at the moment we were beginning to be repaid the outlay of life, treasure, energy, and principle, all freely spent in this great cause—just at that moment you are asked to give up all, by making it impossible to continue the blockade on the coast of Africa—by making it impossible for the Brazilian people to join with the Brazilian rulers—and by making it impossible for the nations of Europe to believe that we can have been in earnest, or could have had our hearts in a matter which we are so ready to give up for a consideration of mere fiscal advantage. My Lords, when it is said that the abolition of the Slave Trade has been a failure, I certainly feel some sensation approaching to indignation in my mind. It has been, my Lords, no failure at all. To those men, those honoured men, our common ancestors, who fought the battle, and to those still living who have taken part in it, the object to be gained was not the Quixotic idea of putting down slavery at once all over the face of the earth, by putting an end to it in their own country, or in lands subject to its control. It was that which they unflinchingly proclaimed before their fellow countrymen, and that at least has been no failure. Who can say how much, in the inscrutable decrees of Providence, the faithfulness of England to the truth in this point may have been the redeeming part of her character among a multitude of failings, and been the means of drawing down those blessings of Heaven of which all have been partakers, and with which all are at this moment enriched? The arguments used against us now were equally used against our forerunners. They were told, as we are, "what is the use of abolishing the Slave Trade? It will only be taken up by other nations, by the Dutch, the Spaniards, or the Portuguese." It was not denied; the answer was, "We trust in the long run we shall bring them over; but granting we fail—their own iniquity be upon them. Because others commit robbery and murder, shall we commit murder and robbery in a gentler manner, and with less of suffering to our victims?" We are told we do not and cannot stop the Slave Trade by our efforts: I reply, we keep ourselves free from it, and if you pass this Bill, you will no longer do so. I think it is done ignorantly. I shall earnestly repudiate it myself; but I am convinced if Her Majesty's Government believed, as I believe, that this measure will give a direct sanction to the Slave Trade, and a great stimulus to slave labour, they would not propose it. But, at the same time, though done ignorantly, it is done directly. You want cheap sugar, and you are going to say—import abundantly the slave labour that produces the cheap sugar we want. You say we give way upon principle; we have struggled long enough; we have been beaten; we will be untruthful to our principle; we are determined to enjoy the advantages we have lost by adherence to it; we will share them with you. This, my Lords, is the fearful step you are called on to take. I can only say, in conclusion, I have a fervent belief that if you take that step, it will be one more adverse to the opinion, the principles, and the convictions of the mass of this people of England than any step taken within my memory. I believe the history of the whole abolition cause has been this—slavery was shown to be contrary to the will of Providence, the happiness of man, and the revealed word of God, and therefore must be a blot and injury to the country. The announcement of the great truth enlisted on its side the strong religious feeling of the country, and the battle was won by the Christian principle of Christian England. I believe the anti-slavery cause, from various reasons, has rather fallen to an argument of a different kind, and that it has become something of a political and sectional question. But let there be an announcement that, directly or indirectly, you are going to plunge this country again into the guilt of this great crime, and I believe the people will rise again and pronounce against it with the same feelings of indignation with which they put it down when it before existed. And I would urge it on your notice, that the only respect in which the contest upon this question differs now from that by which it was formerly put down, is, that the advocates of truth and justice fought at a disadvantage in pulling down an existing evil; those who resisted them only maintained things as they were. But, we are called upon, for the first time, to make a direct step on the opposite path. We are for the first time called on to commit an act of retrogression, and to declare that the idea then written on the minds of the English people—the principle which, in spite of all the difficulties and hindrances it met with at a time when every free opinion wore the semblance of Jacobinism, and was thought to threaten the institutions of the land, enthroned itself into the hearts of the English nation—must be abandoned; that we must take a step in the opposite direction; that we must reopen what our predecessors closed; renew what, upon conviction, they abolished, believing that this great political crime can be, in this world of God, nothing but a political error. We are called on to declare that we may improve our revenues, amend our finances, and increase and make abundant the supplies the people need, by doing a wrong, encouraging injustice, and giving occasion to the perpetration of the cruellest wickedness and the darkest evils that this earth ever groaned under. Believing this, feeble as I am, I should think myself unworthy of a place in this House if I did not express that opinion by moving that this Bill be read a second time this day three months.

The Bishop of LONDON said, it was not his intention to trespass at the present moment at any length upon their Lordships' time; feeling, as he did, that any lengthened remarks were wholly unnecessary after the eloquent, the able, and the convincing address just delivered by his right reverend Friend. But occupying the position which he filled, he felt that it would be neither justice to that position, nor to his own feelings, if he did not state what his convictions were on this most important project. He had been at first inclined to complain of the arrangement of which he, in common with others, had not been made aware, by which Her Majesty's Ministers, and others in that House, had agreed to take the discussion on this measure on Monday evening last; but he had since then rather congratulated himself on that arrangement than otherwise, for it had afforded him an opportunity of considering with great care all the arguments both for and against the measure that had been used by the speakers on both sides of the question; and the result was a deep and heartfelt conviction on his part, that their Lordships would, if they passed this measure, sanction a direct encouragement of the Slave Trade, the abolition of which was one of the brightest features in the history of this country, and one which he thought might well be considered to be a set-off against the offences which they had for a long series of years committed against justice and humanity. It seemed to him that they were clearly taking a step in the wrong; that they were calling on the public to retrograde in that course, by bringing themselves to which they had made a considerable, and a noble, though he might add a somewhat tardy, compensation for the long course of crimes committed—he would not say by their Lordships—but by their ancestors, and that they were now undoing, as far as they could without a direct legislative declaration, the good—the great good—which was wrought by those eminent men who so ably struggled against slavery, and particularly by one (Mr. Wilberforce) whose son had that night shown himself to have inherited, in more respects than one, the mantle of his honoured sire. It was unnecessary for him to refer to the arguments used on a former night by his noble and learned Friend (Lord Brougham), and enforced and illustrated that evening by his right rev. Friend, and to which in his opinion no answer had as yet been given. That argument indeed amounted to a demonstration that if they were to have a large increase in the quantity of sugar received from slave States, they must have also a large increase in the slaves to cultivate it, which increase could only be effected by a large increase in the Slave Trade itself. The importation of slaves to Brazil and Cuba was at least 150,000 per annum. Now, if they were to have an increase of 30,000 or 40,000 additional tons of sugar from these countries, they could only have that increase by the labour of 30,000 or 40,000 additional slaves. This in itself seemed to be a conclusive argument against the measure. When the circumstances which attended the transport of slaves were considered, the argument acquired great additional force; and when it was recollected that the number of slaves imported into a slave-owning country was by no means the extent of the injustice which the Slave Trade perpetrated. It was, he believed, calculated, and nobody had questioned the calculation, that for every slave imported, at least two perished, either in the process of capture and detention, or in the middle passage. Therefore, if they were to have 30,000 or 40,000 additional slaves imported into Cuba and Brazil, it must be by an additional expense, not only of the liberty of these 30,000 or 40,000 human beings, but of the lives of some 60,000 or 80,000 who would be hurried into eternity, or exposed to the most cruel torture. Now, he did not hesitate to say, that if this increased supply of sugar for the labouring classes of England was only to be provided for at such a cost—if, in order to supply the people of this country with what they were supposed to need—he would not say 30,000 or 40,000 or 60,000 or 80,000 human beings were to be sacrificed as part of the process by which the importation of that additional supply of sugar was to be effected; but if the object could only be attained at the cost of the liberty of ten men; nay, if it were to cost the liberty or the life of but one man, he would consider it to be purchased at too dear a rate. There were no secular or economical benefits which could be cheaply purchased at the expense of the commission of crime. The interest of the nations themselves would, he was pursuaded, be best consulted by honestly, frankly, and fearlessly repudiating all that savoured of crime and injustice. Such a course would ultimately be found most advantageous, whatever might be the present temporal consequences. It was impossible, feeling as he felt, and as he had taken every opportunity of telling their Lordships, that the real prosperity and honour of this country depended on this great principle being adhered to—feeling that the wealth, and authority, and influence which this country possessed in so superlative a degree, were bound up with this question, he for one could not give a tacit acquiescence to the passing of a measure which he believed from the bottom of his heart would fix a stain upon the legislation of this country, which he doubted whether the efforts of future years could ever effectually remove. He considered this subject apart from the question of protection; he regarded it as altogether distinct from any question of political economy, except, indeed, of the highest kind, such as had been already brought under their Lordships' notice. He looked upon it as altogether separate from a question of protection, except that protection which, as a Christian Legislature, and in accordance with the precedents of previous years, they were bound to extend to those unhappy beings so long the victims of their cupidity and injustice, who for a number of years had rejoiced under the shield of their protection, but who were now to be handed over to those who had been neither deterred by the measures this country had taken for the suppression of the Slave Trade, nor moved by the sacrifices which it had made of interest to principle, from attempting to perpetuate that great crime. And now, he feared, the measures of Government would increase and exaggerate the horrors of what Mr. Pitt had described as the greatest practical evil of modern times. He felt that he would only weaken what had been said by his right reverend Friend if he entered further upon the subject, though at the same time, he could not remain altogether silent when such a question came before their Lordships. He would, therefore, conclude by giving his most cordial support to the Amendment of his right reverend Friend.

The MARQUESS of LANSDOWNE: My Lords, unlike the two right rev. Prelates who have just spoken, I have already had an opportunity of addressing your Lordships, and I therefore think it quite inexpedient to seize this opportunity of which the right rev. Prelates had so just a right to avail themselves, for the purpose of entering again on the discussion of this subject. But I feel that it would be almost disrespectful to the right rev. Prelates, or disrespectful more particularly to the right rev. Prelate who made the Motion, were I allow it to be put to the vote without a single observation upon what has fallen from them; and also because I feel that the right rev. Prelate who first addressed the House, addressed it with peculiar claims to its attention—claims which I should, on all occasions, be happy to acknowledge, on account of those talents and abilities in debate which he has more than once had occasion to display before your Lordships; but, most of all, this has been an occasion when he addressed your Lordships with peculiar advantages, the greatest of which, perhaps, was, that he bears the name of one whose reputation, whose fame, whose life, and whose glory are imperishably connected with that monument which he raised to himself in procuring the abolition of the Slave Trade; in regard to which the right rev. Prelate has done me no more than justice in stating that to me it must ever be a matter of gratulation and pleasing reflection that I was one of the labourers when that monument was raised. The right rev. Prelate had also another advantage in addressing the House; because he undoubtedly, from the circumstances of his position, recently called by that position into the Councils of his country, had no inconsistencies to explain, has borne no part in that series of measures which, notwithstanding what has fallen from him to-night—and I have heard similar remarks from others in the course of these debates—would, if allowed to remain on your Statute-book, present the most glaring of all inconsistencies in legislation if you do not adopt the measure before your Lordships: and when the right rev. Prelate states that you have been most moral in your legislation on this subject, not once, or twice, or thrice, but incessantly and advisedly, in the course of the last ten or twelve years, let me remind him that it is not only essential that you should be in your own estimation consistent (which cannot be said if you retain that patchwork of legislation which now exists, and encourages slavery in one place, while it professes to depress it in others), but if you can persuade yourselves that you are doing your duty to God and to yourselves by so imperfectly continuing to carry into effect that system he recommends, you are not answering your purpose, you are not accomplishing your object, unless you persuade other countries that you are consistent in it. My Lords, it was from the effect produced by your example on other countries, that you are to hope to carry the abolition of the Slave Trade into effect. And I beg to state that if the right rev. Prelate who spoke first has heard in any quarter the opinion expressed that the great measure of the abolition of the Slave Trade has been a failure, I am sure it is not from me or from any of my noble Friends that he could have heard such a sentiment. But, looking forward with hope and confidence, and in reliance on the protection of Providence in a design so holy, I do expect that the time will come when full effect will be given to that abolition. It is by the moral effect of your example upon other countries that the object is to be accomplished; and if to those countries you cannot exhibit a plain, intelligible system of policy, *totus teres atque rotundus*, you cannot expect that they will follow you into those sophistical arguments which draw a distinction between what it is allowable to do for interest, and what interest will not permit you to do; and which involve questions as to what is the precise amount of the claims your manufacturers may have upon you to dispense with the claims of morality and justice, or how far you can concede to the claims of morality and justice without doing yourselves and the public finances a great amount of injury. It is not by supporting such a system that you can expect to reconcile to your doctrines the other countries of the world. When the right rev. Prelate makes use of the authority of a noble Friend and Colleague of mine (Lord Palmerston), for the opinion that the trade on the coast of Africa might still be repressed by the diligence of Her Majesty's navy, and by the measures of those in Her Majesty's Councils, I trust he will give me leave to state to him that it is the most confident opinion of my noble Friend that to the ultimate repression, and even to any further success in the repression of that traffic, what is most essential is to establish free commercial intercourse with other countries, especially the Brazils, which by that means, and by that means only, may be made to unite with us in making a general and efficacious attempt to put down the trade which it has been so long the object of our policy to suppress. In that very country, let me assure the right rev. Prelate, there is, to a much greater degree than he supposes, a free-labour cultivation of sugar and coffee. It is the opinion of those who are conversant with the subject, that free labour will gain to quite as great an extent, and probably in a greater proportion than slave labour can, by establishing free intercourse with those parts of the world with which it is the object of this country to establish such free intercourse. I therefore again say, that I indulge the greatest hope of the most beneficial results from the adoption of this more liberal and more generous system of policy so far as commerce is concerned. So far as commerce is concerned, the right rev. Prelate does not deny it. But those benefits will not stop there; the principles associated with our policy will work into men's feelings and opinions through the medium of commerce, and will lead to the production of a higher tone both of moral and of religious principle. I therefore will say I cannot consider this as a measure of retrogression. I do believe it is consistent with all the hopes we can permit ourselves to entertain on the subject. Knowing what I do of the religious feelings, the moral feelings, the high tone of sentiment, which prevail among the people of this country, I must say that with all their intelligence, with all their means of practical information in all commercial towns, with the active agency which we know is employed, and justly employed, where the interests of religion and morality are supposed by a large class of the community to be at stake, I cannot but consider it as a most decisive proof that it is not the opinion of the country that this is a measure of retrogression, when this measure has been for weeks before the public, when the call upon the people to oppose has been loudly sounded, and yet no echo has been returned except in the shape of some half-dozen petitions presented within the last few days; so that, if in the opinion of the country the measure be objectionable, whether viewed as a matter of interest, or of humanity, or of policy, not a week would have elapsed but your tables would have been covered with petitions against passing it into a law. I hail it as a proof that concurring with Her Majesty's Ministers, they see no violation of principle involved in the Bill, and no encouragement to the Slave Trade, and that they are prepared to join in the fervent hope, not only that the people of this country will be assisted as consumers, that their interests will be promoted, that commerce will be extended and enlarged, but that the moral feelings of mankind, from the extended intercourse among nations, will yet lead to the final euthanasy of this question. In conclusion, I have only to express the hope that your Lordships will be induced not to accede to the Motion of the right rev. Prelate, however powerfully it may have been recommended to your notice.

On Question, that the word "now" stand part of the Motion, House divided:—Contents 28; Non-contents 10: Majority 18.

List of the Contents.

Lord Chancellor.
DUKES.
Norfolk
Bedford.
MARQUESSES.
Lansdowne
Clanricarde
Normanby.
EARLS.
Suffolk
Scarborough
Radnor
Fortescue.
EARLS.
Clarendon
Kingston
Wicklow
Grey
EARLS.
Morley
St. Germans
Ducie
Auckland.
VISCOUNT.
Hawarden.
BISHOP.
Durham.
LORDS.
Camoys
LORDS.
Beaumont
Calthorpe
Carrington
Lilford
Dinorben
Strafford
Campbell

Bill read 2ª.
House adjourned.

The following Protests against the Second Reading of the Sugar Duties Bill were entered on the Journals:—

Dissentient—

1. Because, after the Legislature had nearly half a century, and the country above half a century ago, condemned the African Slave Trade as the worst of human crimes, comprising almost all others, and as the greatest practical evil that ever afflicted the world, we cover ourselves with a disgrace never to be effaced by adopting a measure whose avowed object is immediately and largely to increase the mass of sugar grown in the slave-trading countries, and which can only be grown by an immediate and large importation of Africans. Consequently, the avowed object of the measure is the encouragement of the African Slave Trade, as much as murder, and not robbery alone, is the avowed object of the felon who destroys his neighbour in order that he may possess his property, by removing him out of his way.

2. Because it is in vain to disguise from ourselves and cover over the guilt of slave-trading thus incurred, by pretending that we do not directly offer any premium for its encouragement. We as directly partake of that enormous crime by knowingly and wilfully augmenting the amount of the traffic which lays waste the villages of Africa, and desolates her coasts, as those do whom we brand with the name of felons, and visit with the pains of felony, for only letting to hire the ships employed in the traffic, although they have no more direct participation in the African voyage.

3. Because nothing can be more futile than the defence of our conduct drawn from a reference to the importation which is allowed of cotton and other articles, the growth of slave-dealing countries. If that importation be an encouragement of slave-trading, it was criminal to permit it, and the fact of our having once been guilty is no excuse for extending and multiplying our offences. But the great bulk of such commerce is notoriously carried on with countries in which slave-trading has long ceased to be practised. Moreover, the chief branch of the importation, that of cotton, was established nearly a quarter of a century before we ourselves abolished the Slave Trade; and there is the greatest possible difference between refusing to give up a trade or a practice of any kind already adopted, and entering for the first time into a novel career of crimes not yet begun to be perpetrated.

4. Because the question now under the consideration of Parliament differs from every other part of the discussions so long carried on respecting the Slave Trade and slavery. In all former cases our offence was, that we delayed to abolish a criminal system already, and for ages, established; we only refused to do that which was clearly right. But now we are doing that which is clearly wrong; and are for the first time beginning, not continuing, a Slave Trade. We are actively creating a Slave Trade which does not now exist, and

not passively suffering an existing traffic to go on.

5. Because it is in vain to expect that other nations will shut their eyes to the garb of hypocrisy in which this conduct of ours clothes all our professions of zeal for the abolition. When we urge them to join in putting down the execrable traffic, they will point to our Act encouraging it; and, required by us to abandon the gains which they derive from conniving at the traffic, they will marvel at our boldness in expecting such sacrifices from them when we all the while are encouraging it ourselves for the avowed purposes of cheapening a luxury that we relish, and adding a small sum to the mass of our revenue.

6. Because it is altogether preposterous to cite in such a debate the principles of political philosophy, and to call this a sacrifice to the doctrine of free trade. The highest authorities have long ago proclaimed that in this measure there are involved no considerations of commercial or financial policy; but, as one of the late Ministers said, "the honour of this country," as another asserted, "the credit and reputation of this country," and as all impartial men who considered the subject have said, the creating or the preventing an amount of suffering among peaceful and unoffending nations, so frightful to contemplate, that no calculator of profit and loss can be hard-hearted enough to weigh against it the largest amount of gain, whether commercial or financial, which could be conceived to result from our legislation.

7. Because, finally, the hurrying through Parliament at the very close of a long and laborious Session, and in the absence of nearly all its Members, a measure of so desperate a character, and which is connected with other measures seriously affecting our whole colonial policy, as well as the trading interests of the mother country, betokens on the part of its authors an impatience of delay and of full discussion, only to be explained by the supposition that the extraordinary state of parties at the present moment offers them the only chance of carrying their measures, which would assuredly have been rejected, as they were five years ago, as soon as those parties had resumed their wonted position. BROUGHAM.

DISSENTIENT—

Because, beside all the other reasons of justice, humanity, and sound policy, which prohibit a measure so directly, so inevitably tending to the encouragement of the Slave Trade, it is wholly intolerable, as it is altogether unprecedented, to hurry through Parliament, at the very close of the Session, and after almost all its Members have left town, such important measures, without the possibility of full discussion, and without giving the mother country, or the Colonies, any notice of them—measures which at one blow alter the whole commercial system of the country, and affect in the most serious manner, and to the greatest extent, the manufacturing and trading community of the Empire.

ASHBURTON.
BROUGHAM.
DENMAN.
S. OXON. (Wilberforce.)

LORD BEXLEY'S PROTEST.

DISSENTIENT—

1. Because the theories by which this Bill is defended, if true, ought to have been long ago laid before the public, in order to their being fully and impartially considered; whereas this Bill, which assumes their truth without adequate discussion, has been passed with such haste and in such a crisis of affairs as to preclude inquiry.

2. Because the Slave Trade carried on from the coasts of Africa has long been acknowledged by the Legislature of this country, and by the general consent of civilized nations, to be the greatest practical and moral evil now existing upon earth; and this country has, under this conviction, for many years attempted to suppress it at a great expenditure, not only of money, but of the lives of her people.

3. Because this trade is now almost wholly confined to the export of slaves from Africa to Brazil, and to the Spanish Colonies in the West Indies, for the purpose of the cultivation of sugar; and on that account the consumption of sugar produced in those countries has been subjected to heavy discriminating duties.

4. Because this Bill, by opening the British market to sugar the production of Brazil and the Spanish Colonies on equal terms with that of countries in which no Slave Trade has been carried on for many years, and even with the Colonies and dominions of Britain, must give a great and immediate encouragement to that unchristian and inhuman traffic.

5. Because to give any encouragement to such a traffic for the sake of any expected fiscal or commercial advantages, would cover this country with indelible disgrace, as an infamous barter of our religious and moral duties for mere lucre.

6. Because this Bill inflicts a grievous injury on the British colonists by exposing their produce to the unrestricted competition of foreign countries, which continue to be supplied with the labour of African slaves.

BEXLEY.
S. OXON, for reasons 1, 2, 3, 4, and 5.
DENMAN.

August 13, 1846.

LORD ELLENBOROUGH'S PROTEST.

DISSENTIENT—

1. Because the Bill, by increasing the consumption of sugar the produce of Brazil and Cuba, will increase the demand for the slave labour by which that sugar is produced, and thus tend to stimulate the Slave Trade, through which that labour is supplied.

2. Because the Government of this country has been engaged for more than thirty years in endeavouring to induce all foreign States to prohibit and prevent the Slave Trade; and has recently concluded a Treaty with France for the conjoint application of a large naval force to its suppression, while Parliament has passed enactments of an unusual and stringent character to facilitate the accomplishment of that object.

3. Because to establish fiscal regulations which tend, by encouraging the Slave Trade, to counteract the measures so adopted for its suppression, is inconsistent with good faith towards France, our ally, and disparaging to the policy and to the reputation of this country.

4. Because the immediate reduction of the discriminating duties on British and foreign sugar, in the manner proposed, and the gradual assimilation of those duties as it is to be effected by the Bill, are measures for which India and the Colonies are

in their present condition not sufficiently prepared, the West Indian Colonies especially still suffering under the effect of the various conflicting enactments which Parliament—first, in its unscrupulous cupidity, and since in its late repentant morality—has passed with respect to them, and India having been only recently enabled, by a tardy act of common justice, to compete on equal terms with the other sugar-producing dominions of the Crown.

5. Because the projected scheme for facilitating the introduction of labourers from Africa into the West India Colonies is not yet in detail before Parliament, although proposed as a means of enabling those Colonies to meet on more favourable terms the foreign competition to be created by the Bill; and there is but too much reason to apprehend (the condition of Africa being considered) that this projected scheme of relief cannot be effectual without practically reviving the Slave Trade in British vessels, under the specious disguise of immigration.

6. Because the whole measure is of a nature to convey the impression that the people of this country are become tired of the honourable but costly character they had assumed, of the moral instructors of nations; that they are now resolved to seek compensation for the charge they are bound by treaty to incur, in endeavouring to suppress the Slave Trade, from the increased revenue to be derived from regulations tending to its encouragement; and that they no longer acknowledge the claim of India and the Colonies to have their interests equally considered, although unrepresented in Parliament.

Ellenborough.
S. Oxon, for the 1st, 2d, 3d, and 6th reasons.
Bexley.
Brougham.

August, 13, 1846.

HOUSE OF COMMONS,

Thursday, August 13, 1846.

Minutes.] Public Bills.—1°. Sunday Trading; Income Tax Deduction.

Reported. Public Works and Fisheries; British Possessions; Turnpike Roads (Ireland); Ejectments, &c. (Ireland).

3°. and passed. Drainage of Lands; Religious Opinions Relief.

Petitions Presented. By Mr. Wakley, from Parochial Authorities of the Parish of Saint Luke, Middlesex, for the Adoption of Measures for promoting the Due Observance of the Sabbath.—By Mr. Entwisle, from Owners of Houses and Cottages in the Township of Everton, in the Borough of Liverpool, against the Rating of Tenements Bill.—By several hon. Members, from various places, for the Abolition of Naval and Military Flogging.—By Mr. Hume, from Herman Eugene Falk, for Inquiry respecting the Hull Trinity House.—By Mr. Hollond, from Paul Thomas Lemaitre, Hammersmith, complaining of Sufferings and Hardships from Imprisoment under the Habeas Corpus Act, and praying for Redress.—By Mr. Wakley, from Samuel Millard, Medical Resident Proprietor of a Licensed House at Whitchurch, near Ross, in the County of Hereford, for Alteration of Law respecting Lunatics.—By Mr. Wakley, from several Physicians and Surgeons, in favour of the Medical Practitioners Bill.—By Mr. Wakley, from Inhabitants of Stoke Newington and its Vicinity, against the Enrolment of the Militia.—Mr. Hume, from Inhabitants of Winterton, in the County of Norfolk, for Alteration of the Poor Law.—By Mr. John Henry Vivian, from Guardians of the Poor of the Swansea Poor Law Union, in the County of Glamorgan, for a Superannuation Fund for Poor Law Officers.—By Mr. Smythe, from Manufacturers of Gunpowder, respecting the Interference of Railways with Gunpowder Works.—By Mr. Hume, from James Sedgwick, Esquire, Barrister at Law, for Inquiry.

BRITISH POSSESSIONS BILL.

On the Motion that the House resolve itself into Committee on the British Possessions Bill,

Mr. GOULBURN said, he wished to call the attention of the House to the principle which was involved in the Bill before them. Hitherto the trade of our Colonies had been always regulated by the British Parliament; but in this Bill there was a departure from that principle. Before the House passed such a Bill, they ought to know why the usual course of proceeding was departed from. According to the present mode of proceeding there was an uniform rate of duty passed on all articles coming from foreign countries. Not only had the British Parliament hitherto retained the right of which he had spoken; but it also retained the right of appointing the places where foreign ships should trade with them—that was, it appointed certain ports for that purpose, which were called free ports. This Bill proposed, instead of having the duty imposed by a British Act of Parliament, to give to certain Colonies the power of imposing a duty on foreign goods coming from foreign countries. This was, as he conceived, a very inconvenient course. No one, after what had passed that Session, could refuse to admit the necessity of lowering the duties in those Colonies; but the question for the House was, whether that was to be done by the provisions of a British Act of Parliament extending to all the Colonies; or whether the Colonies should have a discretionary power to do so in their colonial assemblies with the consent of the Crown, and superseding the authority of a British Act of Parliament; or whether in giving them that power they would act wisely in regard to the future regulations of their colonial system? In his own opinion, many inconveniences would arise from the course now proposed to be adopted. They wished to give relief to these Colonies; but he did not think they would effect the desired remedy as well by the proposed Bill as they could by a British Act of Parliament. For instance, the Government here might decide that the Colonial Assembly had not taken that view of the subject which was for their own advantage and for the benefit of the Empire at large, while the Colonial Assembly might take another view of the matter, and there would be by this no power to alter their determination. All that the Crown could do was to say yes or no to the decision of the colonial legislature. Thus, then, he inferred there did exist some necessity for further consideration of this subject; for great delay—not only delay in the imposition of those duties, but delay in sending back measures to the Colonies, and of having the colonial legislatures to reconsider the determination at which they had originally arrived — would certainly arise, and thus the relief which they desired to afford the Colonies must be delayed for a very long period. Let them suppose that a colonial legislature proposed one duty on goods from America, and another duty on goods from other places, they would soon find themselves involved in dissensions with foreign countries, and that too under the most disadvantageous circumstances. The Foreign Office must be placed in the very embarrassing position of being obliged to defend different duties imposed by different Colonies on the goods of the same foreign country. And how were they to avoid it? He was sure they ought to have kept in their own hands all that related to the intercourse of the Colonies with foreign countries. He was convinced the course they were about to pursue would be the means of deferring that relief which the Colonies required, and which they, he believed, intended should be immediate; and he was also afraid that it would involve them in serious discussions with foreign countries with respect to colonial trade, and even with the Colonies themselves. This, he did say, was a point to which the attention of the House should be directed. They were here called upon to give up the great imperial principle that the trade of the Colonies ought to be regulated by the Legislature of the mother country. If they passed this, the Colonies might have a claim as to the retention of the jurisdiction of this country on other matters, when once we had abandoned this. The House would find, in deciding on this question, that it was closely connected with our navigation laws. The Colonies might hereafter make a claim that these laws should not be dealt with by the British Parliament alone, but that they should also be enacted by the colonial legislatures. He feared the time might come when the colonial assemblies would lay claim to the right of interfering with our navigation laws, and of not allowing these laws to act in a manner which they conceived to be injurious to their interests. They might find it difficult to make distinctions as to the duties to be imposed, and the ships which brought articles on which duties were to be imposed. The House, as he thought, was entitled to an explanation from Government, why it was they departed from the course which had been hitherto adopted—a departure which would, he feared, be attended by great inconvenience hereafter.

The CHANCELLOR OF THE EXCHEQUER could assure the right hon. Gentleman, that he was not insensible to the inconvenience that might result from the operation of the Bill before the House; but the right hon. Gentleman must bear in mind the circumstances under which the Bill was introduced. He believed it might be better on the whole to regulate the trade of the Colonies in the same way as it had been done before; but it was impossible to have any communication with the Colonies with a view to the alteration of the import duties; and thus they would have been depriving them of a portion of their revenues without any notice being given them, taking away those ways and means on which they had a right to calculate, without preparing them for it by any intimation. It was thought better, therefore, to leave this matter in their own hands, especially as the Queen's consent was necessary to the carrying of any Acts which they might pass. There could not, however, be the least doubt that it would be desirable in all cases that the regulations of those duties should lie with the Colonies themselves. There were at the same time many obnoxious regulations affecting the trade of one Colony with another which ought to be abandoned. They had differential duties among themselves which were highly objectionable. Nothing, for example, could be more inconvenient than that the Colony of New South Wales should have differential duties on articles of produce between that Colony and Van Diemen's Land. It might be desirable in the course of the next Session to introduce a Bill to put matters of this kind on a sound and proper footing, though he did not think it was possible to do so during the present Session. In the mean time the Colonies ought, without delay, to be relieved from the import duties to which they were exposed. They should not be exposed to protection against them, while protection in their favour was taken away. He thought, in reference to any inconvenience that might arise from the present course, that it would be in the power of this country to take care that no undue consequences should spring from it.

Mr. WARBURTON said, he objected to this Bill because it was not a temporary measure, but a measure to enable the Colonies to impose duties which would last permanently. He did say that the House ought not to part with the important power which the Imperial Legislature was supposed to possess; and he thought the British Parliament could certainly make better regulations on these subjects than small local legislatures.

Mr. HENLEY observed, that the present was a very instructive discussion. They had here the principal mover in the cause of free trade, whose principles had been carried by the aid of those hon. Gentlemen opposite, expressing very great alarm about the navigation laws. He believed the right hon. Gentleman was quite right in that alarm—those laws were in imminent danger. The Colonies might not think it right to employ British shipping, when they could have foreign shipping to carry their goods; and if this Bill passed, they would be very likely to impose a countervailing duty on British shipping, and to send home their sugars and other articles in Russian ships. It was, in his opinion, of great importance to this country that the House should not give up its control over the acts of the colonial legislatures.

Mr. NEWDEGATE said, that there might arise under this Bill certain regulations between the Colonies with respect to trade which would become of a permanent character. Those regulations might assume a permanent form, and come at length to assume the character of vested interests, not that the colonial body could hope for much consideration under the present system. Still, in his opinion, they would be giving up a great advantage if they allowed their Colonies to deal with foreign countries, as if each were a separate State, and that too without the knowledge of or taking into consideration its relations with other Colonies attached to the British Crown.

Mr. HUME wished that the noble Lord at the head of Her Majesty's Government would consider how far the Bill before the House interfered with the rules laid down as to the regulation of our Colonies. The principle of legislation in the Imperial Parliament, as to the Colonies, ought to be uniform. He objected to see the power of that House interfered with by any other authority. He wished them to observe that various custom-house officers whose services might be dispensed with, were now kept up by means of the various Colonial Acts. There was no less than 575,000*l.* levied under the heads of those duties at present. That money was all spent in the Colonies; and in addition to it, this country had to pay 24,000*l.* to support the establishment necessary to impose such duties. Thus the whole of this large sum of money went to the Colonies. He really wished the noble Lord would postpone the Bill until Monday next, in order that he (Lord John Russell) might look to the evidence taken by the Committee on Colonial Expenditure, in reference to this subject.

Lord J. RUSSELL: The hon. Member for Montrose seemed to differ from the hon. Member for Kendal. The hon. Member for Kendal said it would be very inconvenient to have legislative power in the hands of different colonial legislatures; while the hon. Member for Montrose wished to have that power given to the Colonies. He wished to describe what he conceived to be the state of the law to which the hon. Member had adverted, if it were attempted to make one colonial possession contribute to the expenses of the mother country—to contribute to our army, navy, and fortifications, by duties to be levied on the Colonies. It was that which led to the resistance of the United States of America; and Parliament, in consequence, passed an Act after that event, by which it declared that all duties which might be levied in future in the Colonies, should be applied, not to any purposes of the mother country, but to the purposes of the Colonies themselves. That was as he understood it, and the observations of his right hon. Friend. The question next occurred, whether, having given up that right, Parliament should interfere with respect to the trade of the Colonies. He differed very much from the hon. Member for Kendal, who said we ought not to allow any considerable power to the Colonies to regulate their trade with respect to their own wishes; while the right hon. Member for Cambridge thought the House ought, as hitherto, to regulate those matters by an Imperial Act. With respect to that subject, he should feel very great difficulty in legislating that Session. The Parliament had adopted a general principle, that they should not enact differential duties, that they should not impose duties on foreign productions more than on colonial productions, nor on colonial more than on home productions; but, in doing so, they were not altogether consistent, inasmuch as they did, for the sake of revenue, make certain alterations in duties on various articles. The hon. Member for Kendal ably and warmly, as he usually did, supported the proposition that there should be a duty of 15*s.* charged on foreign timber, instead of the existing of 25*s.* That approached a protective duty in favour of home-grown timber over foreign-grown timber, and in favour of colonial timber also. Again, with respect to silk. The House imposed an *ad valorem* duty of 15*l.* per cent on the productions of the manufactures of foreign countries. He thought they were perfectly right in doing so. He quite agreed with the hon. Member for Kendal as regarded the timber duties, and he agreed with the House in the Resolution they had come to respecting the silk duty; but he thought that having taken the liberty of establishing free trade as a general principle, and of making certain exemptions in the application of this principle for the sake of revenue, we ought to treat our Colonies as we would wish to be treated ourselves — that we should, in the first place, not keep up any protective duty which the Colonies may think unnecessary and injurious; and that we should not, on the other hand, deprive them of those duties which they may think necessary to keep up for the purposes of their revenue. He had before him a list of the articles the duties on which it was proposed to allow the Colonies to repeal or retain; and here he might observe that the whole power which they gave the Colonies was to repeal duties already existing; they did not give them any power of enacting differential duties, or of imposing duties on British goods which they did not at present possess. Here were the articles to which he had alluded:—Glass manufactures, silk, and spermaceti, 15 per cent; cotton manufactures, linen manufactures, woollen manufactures, leather, 7 per cent; oil and gums, 15 per cent; articles not enumerated, 4 per cent. Now, he had stated in reply to the right hon. Baronet the Member for Tamworth, that with respect to the duty on provisions, there would be no difficulty in taking it away altogether. At the same time, he did not feel that it was a question of any urgency; for by all accounts there was plenty of provisions in the Indian Colonies. But as to the other duties, he avowed that if the House had now to reconsider or to re-enact their old established protective duties, he thought much difficulty would be found to exist in certain cases. He might say—"Here is a protective duty on British goods; do not retain it, take it away." But the Legislature of the Colonies might say, "True, this is a kind of protective duty; but it adds to our revenue; and we cannot allow it to be removed." Not knowing the sentiments of the Colonies on those matters, he, therefore, thought it fair to give those Colonies the power of dealing with these duties as they thought fit, with a reservation to the Crown of a controlling power, by which means a multiplicity of duties would be avoided, while it was also in the power of the Government at home, through the Colonial Secretary, to direct the Governor of the Colony to explain to the Colonial Assembly what were the views and principles of that Government. He thought, as regarded the present occasion, that the best way was to give our Colonies as much power as possible—to treat them as ourselves; and if there were any uniform system of duties, to let it be established by the Colonies. But he did not say, as the hon. Member for Kendal did, that all our Colonies were ignorant of the principles of trade, and that, therefore, we ought not to let these foolish notions as to their own interests have any influence over us; and he was willing, in general, to allow the Colonial Government to manage their own affairs, under these general regulations of trade on which Her Majesty's Government wished them to proceed.

House went into Committee. Bill passed through Committee.

House resumed. Bill to be read a third time.

IRON WAR STEAMERS.

Mr. WAWN asked the Secretary to the Admiralty "how many iron war steamers are being built? Also, whether any experiments have been tried as to the effects of cannon shot upon iron vessels; and if those experiments have been satisfactory or not? And whether the Government intend to persevere in the building of iron war steamers?"

Mr. WARD replied, that there were now sixteen iron steamers in commission, including the Dover mail packets; four iron steamers were built, but not in commission, including the *Birkenhead* of 1400 tons and 556 horse power; and seven more iron steamers, including the *Simoom* of 1953 tons and 780 horse power, were now building by contract. With regard to the second question of the hon. Member, "Whether any experiments have been tried as to the effects of cannon shot upon iron vessels, and if those experiments have been satisfactory or not?" he begged to state that one experiment, and one only, having been tried, it would be highly improper in him to pronounce an opinion at present as to the effects or the probable effects of that experiment on the employment of iron steamers for purposes of war. What had been done, however, was quite sufficient to make the Government cautious in giving any fresh orders as to the building of new iron steamers; and he could assure the hon. Gentleman that nothing had yet been resolved upon with regard to persevering in their construction.

CORPORAL PUNISHMENT IN THE ARMY.

Mr. ESCOTT rose to move—

> "That there be laid before this House a Return of Persons flogged in the Army in Great Britain and Ireland, in the years 1845 and 1846 to the end of July; specifying the offence; the regiment, the place of station, the time; *the sentence; the order for its execution; whether the trials were open to the public, or only open to the regiment, or with closed doors;* the number of lashes inflicted, *and the day; how soon after punishment the man was able to return to his duty, and at what place he was then quartered*; *whether death has followed within twelve months of the flogging, and the date of such death; whether the punishment was inflicted, if in cavalry regiments, by the trumpeter or farriers; if in infantry regiments, by the privates or drummers, and with what instrument; together with Copies of the surgeon's minutes of all such punishments, and any subsequent observations on their consequences.*"

The hon. Gentleman observed, that it had been stated that the right hon. Gentleman the Secretary at War (Mr. F. Maule) had objections to granting the returns in their present shape. What those objections were he (Mr. Escott) was not aware; and he should like to hear them stated, in order that he might decide on the course he ought to adopt. He was inclined to pay all due consideration to any objections of the right hon. Gentleman, if they were well founded, and would be the last to press upon their attention any subject in opposition to objections well founded on the part of the Government. It might be thought, perhaps, that the investigations that had recently taken place, and the modification of corporal punishment which had just been introduced, might render such returns unnecessary; but these circumstances induced him to suppose that the information he asked for was more than ever necessary. If, however, the right hon. Gentleman would tell him publicly what his objections to the Motion were, he would take them into consideration, and if he deemed them sufficient he would withdraw it; but without such a statement he should feel it to be his duty to act upon his own opinion, which was, that the information contained in these returns was absolutely necessary.

Mr. F. MAULE had hoped that after the debate which had recently taken place on this disagreeable subject, it would not have been again referred to during the present Session of Parliament. He thought that the House might place full reliance on the statements which had been made by his noble Friend (Lord J. Russell) and himself, that corporal punishment in the army should not only undergo considerable diminution, but that such punishments would be very rarely inflicted, and that they would be very closely watched by the medical and other authorities. He (Mr. F. Maule) would have no objection to consent to a return of the number of cases in which corporal punishment had been inflicted in the army during the years 1845 and 1846; the names of the persons punished, the number of lashes to which the offenders were sentenced, and the number actually inflicted. The hon. and learned Member asked, however, for the order for the execution of the sentence. Why, every order for the execution of a military punishment proceeded from a court martial, the sentence was passed by a court martial, and the punishment was inflicted under the direction of the officer whose duty it was to carry that sentence into effect. The hon. and learned Gentleman also wished to ascertain whether the trials were open to the public. He (Mr. F. Maule) believed a court martial was as much an open court as any other court of justice. He had been informed, upon competent authority, that a court martial was an open court; and, therefore, he presumed parties wishing to be present at any trial by court martial would not be excluded therefrom. The court was an open court, and would, of course, be conducted with open doors. The hon. Member also asked for a return of the number of lashes inflicted, and the day. He (Mr. F. Maule) did not see how a return of that kind, descending to such minute particulars, could be of any use to the House. The hon. Member also wished to ascertain "how soon after punishment the man was able to return to his duty, and at what place he was then quartered?" He (Mr. F. Maule) did not precisely understand the meaning of this clause of the Motion. He could understand the meaning of the words, "how soon after punishment the man was able to return to his duty;" but he did not precisely know what to understand by the words, "at what place he was then quartered." Did they refer to the place where the punishment was inflicted, or the place where the regiment or detachment was quartered when the man returned to his duty? The hon. and learned Member also wished to ascertain whether death had followed within twelve months of the flogging, and the date of such death. He (Mr. F. Maule) confessed he did not think that a fair requirement. Suppose a man who had received corporal punishment in January, died in December, was it meant to be inferred, though he might have died from some disease with which his punishment had no connexion, and though the case had not been investigated by a coroner's jury, that he had been put to death in the army—that his death had been occasioned by corporal punishment? He (Mr. F. Maule) knew there was a notion abroad that corporal punishment might occasion death even after the lapse of twelve months; but he believed that was an erroneous impression. The hon. and learned Member for Winchester also wished to know whether the punishment had been inflicted in cavalry regiments by the trumpeters or farriers, and in infantry by the privates or drummers, and with what instrument. He (Mr. F. Maule) believed the practice in infantry regiments was, that the punishment should be inflicted by the drummers, and in cavalry regiments by the farriers. With regard to the instrument, they all knew what the instrument was. If there had been any irregularity in the army on this subject—if the instruments had not been made with particular care, and upon the same pattern, that irregularity could be most easily remedied. The hon. and learned Member also asked for copies of the surgeons' minutes of punishments, and any subsequent observations on their consequences. Now, he (Mr. F. Maule) considered, that if such surgical observations and details were not particularly demanded in courts of justice, they ought to be regarded as confidential communications with the commanding officers of the regiments. He believed it would be almost impossible to lay these details before the House; he thought their production would interfere to a great extent with the maintenance of discipline in the army; and, so far as he was at present advised, he could not consent to produce them. He must repeat that he did not consider the whole of these returns necessary for the information of the House. He thought the House could repose confidence enough in the Commander-in-Chief of the army, and in the Government, to feel assured that every possible care would be taken that the infliction of corporal punishment, so long as it might be requisite to retain it in the British army, did not go further than it was intended it should go, namely, that it should be a simple infliction of punishment, leading to no future consequences, care being taken to guard against any permanent injury to the health of the individuals upon whom it was inflicted. He (Mr. F. Maule) felt it his duty to oppose the Motion, with the exception of the three clauses to which he had referred; and he begged to move the omission of the words after the word "sentence" to the words "the number."

Mr. HUME had in his possession a circular, stating for what offences corporal punishment might be resorted to; and he therefore considered that the House ought to have full information on the subject, or they would not be in a situation to judge whether the punishment had been justly inflicted.

Dr. NICHOLL begged to submit to the House, whether it was necessary to call for such an invidious return as a statement of the regiments, the place of station, and the time when these punishments were inflicted. He thought if the House had before them a return of the total number of lashes inflicted, and the sentences of the courts, that was all that was necessary to enable them to form an opinion as to the manner in which the discipline of the army was carried on. He thought that a return of the regiments in which this punishment had been inflicted, would throw an invidious stigma on particular officers, who would not have the means of affording any explanation to the House or to the country.

Sir HOWARD DOUGLAS considered that a return of the regiments in which corporal punishments had been inflicted, would be exceedingly odious, and disadvantageous to the service. He had entertained the hope, that, after the satisfaction evinced by the House the other night at the termination of the debate on this subject, and after the declaration which had since been made by a noble and illustrious individual in another place, the hon. and learned Member for Winchester would not have brought forward his Motion. He thought the House must see that the odious system of corporal punishment was fast falling into disuse in the army. He had before stated in the House that in proportion as we succeeded in elevating the moral condition of the soldier, and promoting his comfort, corporal punishment, without being absolutely abolished, would be less frequently inflicted. He believed, however, that in active service this punishment could not altogether be dispensed with. Having been for a quarter of a century a general officer, and entrusted with the command of a regiment for twelve years, he could state that corporal punishment was never resorted to when it was not absolutely necessary; never on a first conviction, nor till all minor punishments had failed; and he could assure the House that its infliction gave a degree of pain to the officers of the army, which was the best guarantee that it was not recklessly or unnecessarily awarded. He was glad to perceive so liberal a spirit pervade the House, for improving the comforts and the condition of the soldier; and to make the service more attractive, many measures were now under consideration of the military authorities, and had been recommended by them to this effect, but which had not been carried into effect on account of expense. He could not avoid specifying one, which required to be remedied, and that was the severity of colonial service. Our army consisted of one hundred and twelve battalions, of which seventy-five were at present on foreign service; and such had been the calls of these, that it had been found impracticable, for some years past, to observe the arrangement proposed by the military authorities, either as to the duration of foreign service, or the period fixed for home service of at least five years. In consideration of these exigencies the strength of the army was increased last year; but since then, fresh and unexpected demands from abroad had been made; and the strength of the army was more inadequate than ever to the services it had to perform. With respect to the Motion of the hon. and learned Member, he thought that specifying the names of regiments and other details called for in his Motion, would occasion invidious comparisons, and other impressions prejudicial to the service; he should, therefore, vote against the Motion, and hoped the hon. and learned Member would not press it to a division.

Lord J. RUSSELL said, there was no objection to a return of the number of lashes inflicted; but he thought, if the regiments in which corporal punishment had been inflicted were particularized, invidious comparisons might be made. Such comparisons would be very unjust; for no one who had looked into the reports on this subject could have failed to perceive, that though a regiment might at one time be kept in very good order without corporal punishment, yet that under other circumstances punishment might be necessary for the maintenance of discipline. Colonel Macgregor had stated, that for a number of years he commanded a regiment in which scarcely any corporal punishment was inflicted; but, when the regiment was joined by a number of recruits from the worst parts of some towns in Scotland, it was necessary to make some very severe examples. Now, if a return of the regiments were agreed to, cases of this kind might lead persons to entertain a very unfavourable opinion of particular officers. If it was the opinion of the House that that portion of the return would lead to invidious comparisons, he hoped the hon. and learned Gentleman would consent to omit the clause.

Mr. WAKLEY considered that these returns, in the altered form suggested by the right hon. Secretary at War, would be useless; and he regretted that the Government should refuse to accede to the Motion of the hon. and learned Member for Winchester. That refusal, however, spoke even more eloquently than the returns themselves could do, for it was not a refusal without a motive; and in his opinion it would be found extremely inconvenient to grant the returns moved for by the hon. and learned Gentleman. He believed that if those returns were granted, they would exhibit facts which would, more than anything that had been stated, satisfy the House and the country that the odious, disgusting, and brutal practice of flogging ought at once and for ever to be completely abolished. He inferred from the tone of the hon. and gallant Officer who had addressed the House, that he (Sir H. Douglas) believed that the practice of flogging had nearly approached its termination. The hon. and gallant Officer evidently considered that it was a very disgusting practice, and that it ought not to be continued without the most paramount and uncontrollable necessity. But that gallant Officer considered that they ought to retain the power of inflicting fifty lashes. Why, when the power of inflicting 1,500 lashes existed, the officers of the army did not admit that it would be safe to diminish the number. When the number was reduced to 1,000, although the officers rejoiced at the reduction, they still did not admit that it could be carried further. When the number of lashes to be inflicted by a general court martial was reduced to 200, the officers of the army rejoiced that the state of the troops permitted such a diminution of punishment; but they yet retained the opinion that the number could not be further reduced. The Government, much to their credit—and in spite, he believed, of great opposition and strong feeling in certain quarters—had announced that the Commander-in-Chief had reduced the maximum number of lashes to be inflicted to fifty; but he (Mr. Wakley) had heard it intimated that it would be necessary, if not to inflict those fifty lashes, at least to retain the power of doing so; and he had heard it said that—except in very rare instances—that punishment would be fully inflicted. Now, leaving out of view the physical danger which arose from the infliction of that amount of punishment, and the physical torture it must cause, he would ask, if there was not just as much moral degradation, and debasement, and brutality, in the infliction of fifty as of 1,500 lashes? His opinion was, that the soul-breaking, the spirit-destroying effect of the punishment was exactly the same. Had hon. Gentlemen ever seen the outstretched limbs of a man about to undergo this punishment extended on a ladder—resembling a rack? Had they seen human beings standing over such a man while his limbs were restrained, so that he was scarcely able to exhibit the horrible torture he was enduring, and inflicting a punishment which hon. Gentlemen would not inflict on the lowest brute in their service? Why, the degradation of receiving fifty lashes was just as deep, and might be just as permanent, as soul-destroying, and as spirit-breaking, as if they inflicted 1,000 lashes on the man. He (Mr. Wakley) hoped the next announcement the noble Lord (Lord J. Russell) made to the House would be, that this punishment was abolished, and abolished for ever. Indeed he was satisfied from the manner in which the noble Lord and the Secretary at War had spoken on this subject, that they were both opposed to the practice of flogging, and that they only consented to its retention under the conviction, which was entertained by persons of great experience and of high authority, that it was a practice of undoubted necessity. He had no objection to give to the Secretary at War the name of a surgeon, who, having resided at Hounslow for many years, was prepared to state it as his deliberate conviction, from what he had seen and heard, that no man had lived one year who had received, with full force and effect, 150 lashes. Fifty lashes with a cat o' nine tails, containing nine knots in each thong, and consequently giving eighty-one inflictions on the skin at every stroke, could not be administered without danger to life; and whatever the penetration, sagacity, or skill of a surgeon might be, it was utterly impossible for him, with any degree of certainty, to state what amount of corporal punishment might not be attended with danger to life. This punishment was inflicted under an Act of Parliament which passed that House annually, and therefore the House was competent to deal with the subject. He was willing to admit that there might be inconvenience in discussing the subject; but the discussion was forced on the House by the continuance of the practice. There appeared to be a feeling in the House that the particular regiments should not be specified in the return; but he thought that to be absolutely necessary. If it appeared that one regiment was frequently flogged, while in another there was no flogging, it was the bounden duty of the House to inquire into the cause of the difference. He was informed that, in one regiment, there had been no flogging for twenty years. It was due, then, to the commanding officer of that regiment, and to the privates (for the fact was creditable to both), that that regiment should be known, and therefore he thought that the particular regiments should be specified in the return. In reference to that part of the return which required a statement of the fact whether a party had survived the flogging for twelve months, he admitted that the mode of expression was objectionable, because it seemed to lead to the inference, supposing the party died, that there was a connexion between the death and the flogging. Such an inference ought not to appear on the face of the return; but all that the hon. Gentleman required was, that the fact might be correctly stated, though no medical man would deny that a man might die one year after an injury inflicted on the skin, and the death be traceable to that injury. He believed that the practice of corporal punishments might be dispensed with by adopting a different system in the army—by giving higher pay to the soldiers, which he should be most willing to vote for, and by making the soldier feel that he was also a citizen. Under these circumstances he felt bound to vote for the return.

Mr. WARBURTON said, it appeared to him that no part of the return was half so important as No. 8, which required a statement "whether death had followed within twelve months of the flogging, and the date of such death." When they inquired respecting the health of a colony, they required a report of the number of deaths in it; and so in respect to the practice of flogging, he trusted that the Government would grant the information required by that part of the return he had referred to.

Mr. C. BULLER said, that there was no wish to withhold information; but the Government objected to grant a return calculated to mislead the public. Parts of the return moved for were so worded that they would lead palpably to the most erroneous inferences. With respect to No. 5 in the return moved for, he could state that it was a general rule of law that courts martial, whether general, district, or regimental, were open to the public, except during the period of deliberation. He agreed that there ought to be some general rule regulating this system of punishment, and he believed that measures were taken by authority to the effect that the instrument inflicting the punishment, should be in accordance with some fixed regulation.

Mr. C. BERKELEY concurred with those who thought that if the whole return were granted, erroneous inferences would be produced; and he denied the assertion of the hon. Gentleman (Mr. Wakley), that when the number of lashes allowed to be inflicted was 1,500, the officers of the army declared against a less amount. The officers of the army never maintained such a doctrine; but their doctrine was—and it was a correct doctrine—that the discipline of the army never could be carried on without occasionally resorting to corporal punishment.

Mr. M. GORE said, that reference having been made on a former occasion to the opinion of that distinguished officer Sir C. Napier, he wished to state that that opinion had not been correctly explained. It was true that in one part of his work Sir C. Napier admitted that in time of peace it might be possible to abolish flogging, though it must then be done gradually, and with extreme caution; but in another part he stated that it was necessary in time of war. He (Mr. M. Gore) thought the great point was to educate the soldier and improve his character by rewards for good conduct and other means, and then, possibly, this species of punishment might be abolished.

Mr. ESCOTT said, that if it was the law that courts martial should be open to the public, all that he wanted to know by one part of his return was that the law was properly carried into execution. As to that part of the return which was to state whether death had followed within twelve months, the very cause of all this stir was the verdict of a jury that in one case death had so followed, and that a man had suffered capitally who was only sentenced to be whipped; the information asked for related to a most important point, and there was no necessity that any unwarrantable inferences should be drawn from such a return. Then as to the copies of the surgeon's minutes, it was said they were confidential communications; but the surgeon was under no oath or imperative call of duty to withhold the information if the House of Commons called for it. However, he would not divide the House, but take as much as he could get, and hope for the rest next Session. He begged to say, with regard to the suggestion that the House ought to put confidence in the Government as to this matter, that he was disposed to put confidence in them; but in withholding this information, as well as in some other courses to which they seemed addicted, they were destroying the confidence of the House and of the country; he told them so in no unfriendly spirit, and they would hear more of it before long.

Captain POLHILL was of opinion that the power of inflicting this punishment must be retained; in case of mutiny or insubordination on a march, for instance, it could not be dispensed with. He begged to deny the position that it degraded a man, and rendered him unfit for service;

he had known an instance where it turned one of the worst and most drunken soldiers, one of the latest on parade, into one of the best men in the regiment. The illustrious Duke, the Commander-in-Chief, had said he hoped to live to see the day when this punishment should be altogether discontinued; he (Captain Polhill) could express no better wish for the noble Duke than that he might really live till then.

The Motion, as amended, by leaving out the words in italics, was agreed to.

House adjourned at Seven o'clock.

HOUSE OF LORDS,

Friday, August 14, 1846.

Minutes.] Public Bills.— 2ª· Waste Lands(Australia); Naval Medical Supplemental Fund Society.

Reported. Sugar Duties (No. 3); Militia Pay; Court of Common Pleas; Forms (Assessed Taxes); Patent Commission.

3ª· and passed. Mandamus (Ireland); Citations (Scotland); Tithe Amendment; Adverse Claims (Ireland); Joint Stock Banks (Scotland and Ireland); Deodands Abolition; Highway Rates; Loan Societies; Turnpike Acts Continuance; Stock in Trade; Copyhold Commission.

Petitions Presented. From Inhabitants of South Molton, for the Abolition of Flogging in the Army.—From several Municipal Corporations in Dublin, praying to be heard by Counsel at the Bar against the Exclusive Privilege of Trading Abolition Bill.—From Free Church Presbytery of Lockerbie, Synod of Dumfries, for Relief in the matter of the Free Church Congregation of Canonbie.—From Mayor, Aldermen, and Citizens of Worcester, in favour of the Small Debts Bill.

FLOGGING IN THE ARMY—THE LATE INQUEST.

Earl FORTESCUE presented a petition, numerously signed by the inhabitants of the borough of South Molton, in the county of Devon, praying for the total and immediate abolition of flogging in the army. The noble Earl expressed his satisfaction at having heard the noble and gallant Duke the Commander-in-Chief (the Duke of Wellington) declare his hope that he might live to see the day when flogging should be abolished; but he could not, in the face of the diverse opinions expressed by the noble Duke and other high military authorities, concur in the prayer of the petition for its immediate abolition.

Lord REDESDALE, in adverting to a representation made by the petitioners of the fatal effects of the punishment of flogging, "as proved by the death of Frederick White," said, that having read over the whole of the evidence given on the inquest, he had come to the opinion, which he believed to be also the opinion of every one who did not take the strong and violent view adopted by the coroner and jury, that there had never been an inquiry conducted in a more objectionable manner. He believed the impression left upon the mind of every fair man was, that the evidence did not justify the verdict, and that White did not die from the effects of the flogging. When he saw a coroner rejecting the evidence of four medical men, and charging on the evidence of one who was his own personal friend—rejecting the evidence of the four other, because it was not such as he wished—he (Lord Redesdale) said, if such was the mode in which coroners' inquests were to be conducted, it would be a great injustice to those who might be charged on proceedings before coroners' inquests; and if such proceedings were not noticed and reprobated, they would lead to the grossest injustice to those who might hereafter be placed upon their trial. If any person were charged, for instance, with murder (there had been no charge in this case), the evidence would give a most unfair impression against the person so charged. He believed many of the Judges of the land would have charged a jury directly in contradiction to the charge delivered by the coroner. He had thought it right to take the opportunity offered by the petition presented by the noble Earl, stating positively that the death had been occasioned by the flogging, to make these few remarks. With respect to the punishment itself, he did not entertain the same prejudice against it which was exhibited by those who suffered their passions to be excited on the subject. He regretted, indeed, that our army was not composed of such a class of men as would enable us to dispense with the punishment of flogging. But it ought to be borne in mind that flogging had been reintroduced of late years by the Legislature, and was found very efficacious in restraining offences against the person of the Sovereign; and he did not see why, if it was effectual in these cases, it should not be equally effectual—if properly applied—to other cases than those of offences against the person of the Sovereign. If it were not found that this punishment was likely to be productive of death in healthy subjects and sound constitutions, it would be easy, by restricting its application to such cases, to prevent any evil consequences. But if every case of death was to be followed by such reprehensible proceedings, we must give up punishment in all cases of weak constitutions, because even imprisonment, although it was the mildest of all punishments, was fatal in many cases.

RAILWAY PARCELS.

Lord LYTTELTON presented a petition from the Booksellers of Worcester, complaining of the power excised by certain railway companies, of opening parcels, and charging separately for each enclosure; and he begged to call the attention of the noble Earl at the head of the Board of Trade, to the vexation and grievance which arose out of this practice.

The **Earl of CLARENDON** said, that the matter had been brought under the notice of the Board of Trade, and he had seen several persons who complained of the practice. He had the satisfaction, however, of saying that the practice was not a general one, but was confined to certain companies. The practice was certainly a very hard and a very improper one; and he had intended to call their Lordships' attention to it, in reference to a particular Bill in which such a clause was contained; but he found that the Bill had received the Royal Assent on the very day on which he proposed to bring the matter forward. He certainly felt no difficulty in expressing a strong opinion on the subject on the part of the Board of Trade. He felt it would be highly improper that railway companies should not only be allowed to charge separately for enclosed parcels, although the whole parcel was paid for by weight, but should assume, as they did, a right to open parcels to ascertain whether there was any enclosure. A case of that kind had recently been brought before a magistrate in the City; but, as in that case the company did possess under their Bill a power of preventing parcels from being enclosed, the magistrate could not give any redress. He would take care that the whole subject should be attended to; and he thought that perhaps the best way in which a remedy could be applied, would be by a Standing Order of Parliament.

Lord MONTEAGLE said, it ought not to be allowed to be supposed that in such a case Parliament would not interfere by a Bill, if necessary, for the purpose of preventing this practice. It was one which, in some instances, would be particularly inconvenient. It was well known that at certain periods literary publications were sent to the country booksellers for distribution; and it would be a great inconvenience if those parcels were opened constantly under pretence of containing many separate parcels. In like manner it would produce the greatest possible inconvenience, if newspaper agents were not to send packages of newspapers, without coming within this regulation. He trusted that if it were necessary, a Bill would be carried during the present Session to prevent this practice. It was necessary that those concerned in railways should know that if an objectionable power of this nature were granted to a railway company in consequence of being overlooked by Parliament, the Legislature had a power immediately to remedy the evil.

Lord BROUGHAM said, that the attention of the House ought to be extended, not merely to this clause, which certainly was highly obnoxious and objectionable, but to other clauses, which the least attention would have kept out of Railway Bills. He could mention one instance of a clause in the Bill under which a particular railway company was constituted, and which clause his noble and learned Friend the late Lord Chancellor and himself could not believe possible to have been sanctioned in any Railway Bill. The clause had the effect of neither more nor less than making any copy, or any writing pretending to be a copy or statement in the company's books, evidence, without the verification by the proper officer of the company. This was not what he complained of; but it was the further provision, making any extract from the company's books—not of money they had received, because that would be properly admissible—but of money paid or stated to have been paid by them—for instance, for poor rates, for which they paid between 3,000*l.* and 4,000*l.* a year—conclusive evidence of their having paid the money. He could not have believed that such a clause would have been admitted, because it presented the means of accomplishing a direct fraud. The company would have no more to do than to get a clerk or a charity child who could write to make a copy of something which they might state was an entry; and this clause made that copy evidence of payment. He must take that opportunity of observing that there ought to be some better mode of conducting the private business of the two Houses of Parliament; and not only that, but a great improvement was required in drawing up public Bills; for a great part of the business of the Courts now was—and the Judges bitterly complained of it—to construe unconstruable clauses, and to assign meanings to provisions which had no meaning at all. Suspicions did attach to the conduct of Committees upon Private Bills, which never could attach to a judicial tribunal. Something like the Resolutions he had laid before their Lordships upon a former occasion ought to be adopted; and he gave notice, that if he were spared to attend their Lordships' House next Session, he would again call their Lordships' attention to the subject.

INFANT SCHOOLS.

Lord BROUGHAM presented a petition from Robert Owen, late of New Lanark, in Scotland, but now of the United States of America, in which was set forth the peculiar opinions he has so long professed, and praying for the establishment of a State education founded upon them. After eulogising Mr. Owen for his moral qualities, the noble and learned Lord said the opinions of that gentleman were not merely theoretical—he had reduced them to practice, for he informed him that during the twenty years he was proprietor of New Lanark, he employed nearly 2,500 persons, who, together with their wives and families, resided there. In those thirty years thousands must have been in his employment; still never once, during the whole period, had he had occasion to apply to the magistrates to settle any civil disputes between them, nor any one single time had to call their notice to any criminal conduct on their part. Mr. Owen was also the founder of infant schools in this country. He (Lord Brougham), associated with the late Mr. John Smith, the Marquess of Lansdowne, Mr. Fowell Buxton, and others, had been the first to take another and a most important step, that of transferring the system from agricultural and manufacturing establishments, and planting infant schools in towns. He could appeal to his noble Friend (Lord Lansdowne) for the confirmation of all he had stated. He had been with him (Lord Brougham) for three mornings early, receiving the children into their school at Brewer's Green, near that House, in the month of November, 1818, long before Mr. Wilderspin was so engaged in Spitalfields; and all this he (Lord Brougham) had stated in the House of Commons, in December, 1819, and his statement had been confirmed by Mr. J. Smith and others.

CAPTAIN WARNER'S INVENTION—THE EARL OF DUNDONALD.

Lord BROUGHAM wished to ask a question of his noble Friend the First Lord of the Admiralty. He saw that it had been promised in another place that some inquiry should be instituted into Captain Warner's combustible invention; he wished to know whether the same justice ought not to be awarded to the invention claimed by his noble Friend the Earl of Dundonald?

The Earl of AUCKLAND thought it would be desirable that the invention of the noble Lord should undergo the same test as that of Captain Warner.

AUSTRALIAN WASTE LANDS.

Earl GREY, in moving the Second Reading of the Waste Lands Australia Bill, said that the object was much the same as the Bill which had been introduced by his noble Friend (Lord Lyttelton) when Under Secretary for the Colonies, and was intended to provide facilities for the occupation of lands, for the purposes of grazing, a subject of considerable importance in the present state of these Colonies. Some years ago the land was granted to individuals, and it was found impossible, even with the greatest care, to prevent large tracts from falling into the hands of persons who made no proper use of them, and thus drove the *bonâ fide* settlers to a great distance, obstructed improvement, and affected injuriously the interests of the Colony. Fifteen years ago his noble Friend (the Earl of Ripon) changed the method of disposing of land by abolishing the system of grant, and adopting the system of sale. The price was originally *5s.* an acre; but it was now fixed by Act of Parliament at *1l.* an acre, and the effect of the new system had been upon the whole satisfactory. The parties were at the time averse to the change, and predicted its failure; but from January 1832 to the end of 1844, the amount of money received from the land sales in New South Wales had been 1,116,000*l.*, and by far the larger proportion of that amount had been expended on emigration to that Colony. There had been expended in carrying out emigrants to that Colony 964,000*l.*, or, including incidental expenses and free passages to clergymen and schoolmasters, 1,032,000*l.*; and the number of emigrants who had arrived in the Colonies was 95,775. The effect of this upon the population and wealth of the country was in all respects most remarkable. The revenue, which in 1831 amounted to only 122,000*l.*, had risen in 1844 to 394,000*l.* The value of the exports in 1831 was 237,000*l.*, including 75,000*l.* for wool; but in 1844 they amounted to 871,000*l.*; and the value of the wool in 1844 was no less than 471,000*l.* All those results the House must see were highly beneficial both to the mother country and the Colony, the abundant supply of wool being of great value to one of the staple manufactures of this country; and those results he undertook to say arose from the sale of land, more than from any other cause. But it had been found that that system was attended with some inconvenience. Their Lordships might probably be aware that in a state of nature the land throughout a considerable extent of Australia yielded pasturage for sheep and cattle; but then it required a great extent of land to supply animals with food—it took as many as four acres to feed a sheep; it was still, however, desirable that stock and sheep farming should go on to a considerable extent, because it was the great source of the Colonial wealth, provided it was not allowed to interfere with the sale of land. A great deal of the land at present used for pasturage was occupied by persons who held it under yearly licenses, and the district which they held was not less than 1,600 miles in length by 300 in width. The population occupying that extensive district amounted to about 9,000 or 10,000 persons; but they tended a vast amount of sheep and cattle; that state of things added greatly to the wealth and prosperity of the Colony; but unhappily the people so circumstanced were in a very unsatisfactory condition. There were amongst them no schools, no places of worship—not a clergyman was to be seen. At first the care of those flocks and herds was undertaken by single men; but gradually women were added to the population; and the population now consisted of persons of both sexes and all ages. Amongst them there were no means of instruction, improvement, or civilization—nothing to prevent their continuing in a state of the rudest barbarism. Some change was necessary; but the mode of effecting that change of course constituted the main difficulty. It was thought, both by his predecessors in office and by himself, that it would be expedient to allow the squatters and stock-feeders of Australia some more permanent interest in the land than they at present enjoyed under their annual licenses; leases, in fact, for such a period as would induce them to build houses, form tanks, and dig wells. Noble Lords might not be aware of it; but the fact was, that the land in Australia was greatly affected in its capability of supporting stock by the quantity of water which it was possible within a reasonable distance to procure; and therefore every encouragement for that species of improvement ought to be held out. It was proposed, then, that under certain limits, the tenure of land should be extended. The Bill which he now intended to move should be read a second time would enable the Government to grant leases for less periods than fourteen years. Practically the period would probably be much less; but it was thought best to take a sufficient power at once, and to avoid the necessity of troubling Parliament a second time on the subject. The late Governor of the Colony recommended eight years, and that would probably be the average length of lease. If the holders of lands under those leases wished to purchase the lands which they had in their possession, a right of preemption was to be given them, subject to arbitration respecting value. On the other hand, if they refused to purchase them, the lands were to be sold by auction. He proposed also that these who had already gone to the expense and trouble of discovering what were called "good runs" should also enjoy rights of preemption. The licenses were now granted at the rate of 10*l.* for every 400 sheep, or an equivalent quantity of cattle that the land was capable of maintaining, and he still proposed to retain that rate of payment. In letting lands, means, he thought, should be taken to insure the good conduct of the holders; and he therefore proposed that persons convicted of misconduct should lose their lands, and in aggravated cases should be deprived of them without any compensation for improvements; and on the other hand it was proposed, with a view to encouraging improvement, that at the expiration of leases or licenses, if the lands were not otherwise required by the circumstances of the Colony, the occupants, if their conduct had been good, should be entitled to a renewal of their lease, or licenses. With respect to the regulations necessary for carrying these objects into effect, the introduction of a sufficient number of them into an Act of Parliament must have the effect of unduly extending such a statute; and therefore it was thought that the best course would be to give the power to Her Majesty in Council to make the necessary regulations; copies of which were to be laid before Parliament. It would be impossible for Parliament to legislate upon matters of such minute detail as the establishment of those regulations required. But, on the other hand, Orders in Council were not considered to possess that fixity and permanence which might be thought desirable; and therefore he proposed that no repealing order should come into force until six months after it had been laid before Parliament. He concluded by moving that the Bill be read a second time.

Lord BROUGHAM objected to giving the power to the Crown of legislating all the year round. He thought that the power of making those regulations should be limited to the Session of Parliament.

Lord LYTTELTON approved of the measure generally, and in particular of the plan proposed by the Bill for giving the Crown the power of making regulations from time to time. The noble Lord pointed out some verbal imperfections, to which he called the attention of the noble Earl.

Earl GREY explained.

The Duke of GRAFTON inquired whether provision was made for applying any part of the revenue in Australia to religious purposes?

Earl GREY said, there was at present a provision that a portion of the revenue derived from the Crown lands in that Colony should be applied to augment the religious establishments. But there was a difficulty in making provision for religious purposes arising from the extreme dispersion of the population. Where from 9,000 to 10,000 persons were scattered over a country 1,600 miles long by 300 miles wide, it was obvious that it was physically impossible to make adequate provision for the religious instruction of such a population.

Bill read 2^{a}.

THE POOR LAW COMMISSIONERS.

Lord BROUGHAM: I beg to call the attention of your Lordships to a Notice of Motion which I made on the previous evening, and to the Motions made on several other occasions relative to certain returns affecting the administration of the Poor Law. The cause of the delay has now been very sufficiently and very fully accounted for; and it has not been, I find, in consequence of any unwillingness on the part of those having these returns to produce them to your Lordships' House. It was their undoubted duty to comply with the order; and on receiving the intimation, ten days ago, an effort was made to prepare the returns immediately; but to make them out it was necessary to go over the whole of the books for the last five years. This would, as might be expected, occupy a very great deal of time; and I believe, therefore, there has not been the least, not the slightest unnecessary delay, and, much less, any contumacious, or improper, or in any way reprehensible feeling on the part of those honourable — those most honourable —persons the Poor Law Commissioners; that is, so far as concerns the last ten days; and the previous delay, I hear, arose from a doubt as to whether the returns were wished for by the House within any particular time; but, of course, there was no intention of avoiding the order, or of offering by that avoidance, or in the delay, any disrespect. I cannot, my Lords, state so much without saying that it is with great pain, with very great regret, I find that in any quarter there should exist any wish whatever to increase that obloquy under which these honourable and able persons must needs—must of necessity, whether they will or not—perform their difficult, arduous, and, as I think, and as every one must admit, their delicate duties. When, as a Member of Her Majesty's Government, I, many years ago, took part in carrying the Bill respecting the Commission through this House, I found that, in recommending those most fit to be appointed to its administration, there were several gentlemen refused—for I made an offer to one or two to whom, as I should have supposed, the appointment would be of importance—to accept of that appointment; and they rejected the offer on the ground that they could not stand the inevitable odium which would fall on them in carrying out, for the first time, the important, beneficial, and, as it then was, novel system. Sir Frankland Lewis and Captain Nicholl, who had been most successful in all they undertook, with other able gentlemen, obtained by their exertions the greatest possible amount of benefit to the country; they proved themselves able and excellent men; but, from the very first, from the very beginning, they were assailed in all quarters, in the press, at public meetings, and in anonymous communications. This I know; and I especially know the latter fact, because I myself received many of them, not one of which contained less—that was very moderate and civil indeed—than a threat of corporal vengeance; and they were generally ornamented with very remarkable and significant little pictures, from which, as conveying the meaning of the correspondent, I should have derived great advantage had my education, in the point of reading, been neglected. So that, from my experience, I know that the Commissioners were frequently, and still more violently, so assailed. It certainly may be ludicrous to look upon it in this light now; but this petty annoyance has been most painful to them, they being men—and conscious that they were undeserving of the abuse — of the greatest humanity. I believe that Commissioner Nicholls, Mr. Shaw Lefevre, Sir F. Lewis, are men of extremely humane and compassionate dispositions, and yet they were never called less than hard-hearted tyrants and Somerset-house despots. I have always defended them on all these occasions ; I believe that they are in the right ; I will not, of course, defend them, when I see that they are in the wrong. It is the system that should be blamed, if there be any blame, and not them ; as a system it has to be carried into effect, however unpopular it may be in some quarters, and whatever be the abuse it is subjected to from the ignorance of some and the malignancy of others ; but the men who carry it into effect stand free from all charge. I maintain, too, that the system is good. I have followed it in all its operations; I have examined all the proceedings and reports; and I have never yet seen any reason to complain except in two things. One of these was the introducing of a certain change, which must be lamented, and which was made on improper grounds—the granting outdoor relief, and adding wages with the rates, which was the very object of the whole Bill, and the very corner-stone of the Bill, to prevent. And I trust that the intention is to remedy those defective portions of the system, and to extirpate such of the poisonous and mischievous weeds as have found their way in.

LAW REFORM.

Lord **BROUGHAM** subsequently referred to the delay which had taken place in passing several of his Law Bills, which he had carried through that House, and which were now in the House of Commons, and he begged to explain, in answer to the numerous inquiries which had been made of him, that it was in consequence of the changes which had recently taken place in the Government, that the necessity had been found to exist of postponing several of the Bills, in order to have a full discussion, until next Session. The delay in going forward with the Bill containing the digest of the Criminal Code, resulted from the Commissioners having suspended their other labours, and applied themselves solely to the alteration of that part of the digest referring to penal enactments and penalties for religious opinions, and which would necessitate the omission of 200 sections. This obstacle would speedily be removed; and next Session he looked forward with confidence to being able to proceed with it, and, by it to confer the greatest boon on this country which legislation on the state of the law had ever granted—what, in fact, it was the duty of every Government to give to its subjects, viz. in a clear and distinct view, knowledge of those laws, especially on criminal matters, with which they were bound to comply, and by which they were ruled.

The JOINT STOCK BANKS (SCOTLAND AND IRELAND) BILL was read a Third Time and passed.

House adjourned.

Protest against the Third Reading of the Scottish Joint Stock Banks Bill:—

DISSENTIENT—

1. Because the Bill is inconsistent with those free and liberal principles of trade by which Her Majesty's Ministers are understood to be governed, inasmuch as, under the pretence of removing a monopoly disadvantageous to the public, it covers the monopoly with a protection that fixes it more firmly than ever.

While it professes to open the door to an equal dispensation of chartered privileges to all Scottish banks that may petition for them, it bars it, at the same time, against any bank but such as may choose to submit to vexatious conditions, calculated to create in the public mind invidious distinctions between them and the old chartered banks, who by this Bill are to be exempt from such conditions.

2. Because the legislative interference with the management of joint-stock companies, which this Bill provides, is erroneous in principle: but even if it were sound, the inconsistency of its application is conspicuous, as it imposes rigid rules and restrictions on one class of banks, whose constitution and unlimited responsibility offer to the public the most perfect security ; while it exempts from all such interference another class of banks less securely constituted, and in which the probabilities of mismanagement are as great, if not greater.

3. Because the confining of certain privileges to one class of banks in Edinburgh, while the banks in other large towns are by this Bill to be debarred from the attainment of such privileges on equal terms with their competitors, is disadvantageous to the public ; for the exclusive privilege of receiving deposits of public money, trust funds,

railway deposits, &c., greatly increases the trading power of the chartered establishments; and the large sums which are thus directed to these banks, in place of being permitted to flow in their natural channels, enable them to change the rate of discount, when the existing state of commercial affairs does not warrant such a step, and the relations depending between other banks and the public are thus liable to be disturbed, and speculation encouraged.

4. Because this Bill takes away all discretionary power of granting charters of incorporation to banks, founded on such equitable principles as circumstances may at the time suggest, and as was done in the case of the Commercial and of the National banks of Scotland; and because it limits the power of Her Majesty to the granting of charters according to the specific provisions of this Bill only—that is, upon terms and conditions which no bank in Scotland is likely to accept; consequently this Bill, if passed into a law, will become an Act for no apparent object of public advantage; but in reality an Act for preserving to the five chartered banks of Edinburgh their existing monopoly. RADNOR.

HOUSE OF COMMONS,

Friday, August 14, 1846.

MINUTES.] PUBLIC BILLS.—1°. New Zealand Government; New Zealand Loan Act Amendment; Court of Exchequer (Ireland); Ports, Harbours, &c.; Tithe Amendment.

2°. Private Bills.

Reported. Lunatic Asylums and Pauper Lunatics; County Works Presentments (Ireland) (No. 2); Public Works Commissioners (Ireland); Public Works, Fisheries, &c.; Public Works (Ireland) (No. 3); Naval and Military Departments; Contagious Diseases Prevention; Marriages (Ireland).

3°. and passed. Public Works and Fisheries.

PETITIONS PRESENTED. By Mr. O'Connell, from Teetotallers of the City of Dublin and its Vicinity, for the Adoption of Measures for promoting the Due Observance of the Lord's Day.—By Mr. Thomas Duncombe, from Thomas Callan, an Inhabitant of the Town of Ardee, in the County of Louth, praying for the Abolition of the Malt Tax; a Reduction of the Duty on Teas; that the Growth of Tobacco be permitted in Great Britain and Ireland; and that, to make up for any Deficiency of Revenue, the Rate of Interest on the Funded Debt be reduced One Half per Centum per Annum.—By Mr. Mackinnon, from Inhabitants of Bradford, for an Investigation into the Working of the Anatomy Act, with a View to its Repeal.—By Mr. Wakley, from Rector, Churchwardens, and Overseers of the Poor of the Parish of Saint Andrew, Holborn, in the City of London, and from Guardians of the Poor of the Holborn Union, in the said Parish, praying that the Baths and Washhouses Bill may pass into a Law.—By Mr. Thomas Duncombe, from John Watt, of Princes Street, Stamford Street, London, Gentleman, for Inquiry into the Case of Caroline Amelia Davis.—By Viscount Ebrington, from Inhabitants of the Borough of South Molton, in the County of Devon, and from Inhabitants of Mansfield, in the County of Nottingham, for the Abolition of the Punishment of Flogging in the Army and Navy.—By Mr. Mackinnon, from Working Men, Inhabitants of the Township of Ardwick, in the Borough of Manchester, for the Adoption of Measures for Promoting the Health of Towns.—By Mr. Wakley, from Practitioners of Medicine and Surgery resident in the Parish of Reading, in favour of the Medical Practitioners Bill.—By Mr. Thomas Duncombe, from John Quail, M.D., and Member of the Royal College of Surgeons of London, for Inquiry into the Case of Martha Eliza Rhoda Shuttleworth.—By Mr. Brotherton, from Inhabitants of the Town and Neighbourhood of Stourbridge, in the County of Worcester, assembled at a Public Meeting convened by Two of the Magistrates acting in and for the said Town and Neighbourhood, and by Lord Marcus Hill, from Town Council of the Borough of Evesham, in favour of the Small Debts Bill.—By Mr. Hume, from Resident Inhabitants of the Borough of the Tower Hamlets, for the Appointment of a Paid Judge to the Tower Hamlets Small Debts Court.—From Merchants, Warehousemen, Brokers, Traders, and Residents of and in the Vicinity of St. Paul's and the General Post Office, in the City of London, for the Adoption of Measures for Redeeming and Extinguishing the Tolls upon Waterloo and other Bridges.

LAWS OF THE CHANNEL ISLANDS.

DR. BOWRING had stated two or three days ago that there was a great desire in the Channel Islands that the Commissioners appointed to inquire into the state of the criminal law in those islands should be empowered to extend their inquiries to the civil and municipal law. He wished to ask the right hon. Home Secretary whether the Government were prepared so to extend the power of the Commissioners?

SIR G. GREY said, as the hon. and learned Gentleman had given him notice of his intention to put this question, he had considered the subject, and had communicated with the Commissioners appointed to inquire into the criminal law in the Channel Islands. The Commissioners were of opinion that an inquiry should be made into the state of the civil and municipal, as well as of the criminal law; but they considered that such inquiries ought not to be concurrent, or at least to be mixed up together. They had already made considerable progress in their inquiries with regard to the criminal law; and they entertained a decided opinion, that to mix up the two inquiries would be prejudicial to both. He (Sir G. Grey), therefore, thought that it would be better to defer extending the powers of the Commisioners until the result of their present inquiries was ascertained.

ECCLESIASTICAL PECULIARS.

MR. NEWDEGATE wished to put a question to the right hon. Home Secretary on a subject of considerable importance. It might be in the recollection of hon. Gentlemen, that in 1843 and 1844 Bills were introduced into that House with reference to ecclesiastical courts, and that those Bills contained clauses for the abolition of all peculiars. Those measures, after much discussion, were eventually lost. He (Mr. Newdegate) understood, during the last spring, that an Order in Council appeared in the *Gazette*, abolishing the peculiars in six dioceses in England. He was greatly surprised at the announcement, and he wrote to the Bishop of London, in whose diocese a peculiar which had long belonged to his family was situated, to inquire whether those peculiars were to be abolished. The right rev. Prelate favoured him with an answer, stating that the Act for establishing the Ecclesiastical Commission contained a clause under which the Commissioners were empowered to recommend to Her Majesty in Council measures for regulating the internal affairs of the different dioceses, and for abolishing peculiars; that the Commissioners had recommended the abolition of certain peculiars in the diocese to which he (Mr. Newdegate) had referred; and that the Order in Council had consequently been issued. Now this was a very hard case upon those to whom the peculiars belonged. Under the operations of this law, he would be dispossessed of property which had been in his family since the reign of Edward III., and upon which he had expended some thousands of pounds in order to render it worthy of the sacred purposes to which it was devoted. He was confident that if an examination had been made into the conduct of that peculiar by his father, by himself, and by their predecessors, no just reason could be shown for the treatment to which it seemed they were to be subjected. The possessors of these peculiars were, it appeared, to be relieved from the ownership of the property, and from the responsibility of managing it; and by the Order in Council issued by Her Majesty, at the recommendation of the Ecclesiastical Commissioners, the parish to which he had referred, which contained more than 1,600 inhabitants, would be left with the miserable provision of something like 25*l.* a year for spiritual purposes. He would, therefore, ask the right hon. Home Secretary upon what grounds the Ecclesiastical Commissioners recommended that Her Majesty should, by Order in Council, enact that all parishes, places, churches, chapels, the whole clergy, and others, Her Majesty's subjects, situate within, in possession of, subject to, or connected with, any peculiar or exempt jurisdiction, extending over any parish or place within the diocese of Canterbury, London, Winchester, Chichester, Lincoln, and Rochester, should, after the 1st of January, 1846, be respectively under, or subject to, the respective bishops and archdeacons of the above-named diocese, whereby all such peculiar or exempt jurisdictions have been abolished? Also whether previous to the above recommendation the Ecclesiastical Commissioners had examined into the particular circumstances of each parish, place, church, chapel, and of each clergyman, or other person, Her Majesty's subject, as affected by the above Order in Council? Also whether the Ecclesiastical Commissioners engaged, at the time of making the above recommendation, to take, or have since taken, or are about to take, any measures for supplying the deficiency of spiritual superintendence and service to which the inhabitants of the above parishes and places, and the congregations of the above churches and chapels, may be exposed in consequence of the removal of the personal liability to provide spiritual superintendence and service, from which the late holders of the above peculiar or exempt jurisdictions have been relieved by the operation of the same order, which has deprived them of their property, rights, and interest in the above peculiar or exempt jurisdictions? Also why Her Majesty's late Government, after having twice introduced Bills into this House for the abolition of the above peculiar or exempt jurisdictions, ultimately advised Her Majesty to deal with the property, rights, and interests of those who were possessed of, or were connected with them, by Order in Council?

Sir G. GREY said, the hon. Gentleman had given him notice of these questions, and he was, therefore, enabled to state the law under which the Ecclesiastical Commissioners had acted, and the effect of the scheme they had prepared, which had received the approval of Her Majesty in Council. By the 6th and 7th Victoria, c. 77, sec. 10, power was given to the Ecclesiastical Commissioners to prepare schemes for placing peculiars under the jurisdiction of the bishops of the dioceses in which they were respectively situated. Those schemes, however, had no effect in law until they were sanctioned by the Queen in Council. The 20th section of the Act to which he had referred contained a proviso that no Order in Council for sanctioning any such scheme should, until the expiration of a year after its issue, affect the jurisdiction of any Ecclesiastical Court. The powers thus conferred upon the Ecclesiastical Commissioners had been exercised with regard to many dioceses; but he thought the hon. Gentleman was mistaken as to the effect of those powers. The hon. Gentleman seemed to think that the effect of the Orders in Council to which he had alluded, was co-extensive with the effect that would have been produced had the Ecclesiastical Courts Bill been passed. That Bill would have abolished peculiars altogether, including the rights of the patrons and officers. The effect of the Orders in Council was merely to place the incumbents under the spiritual superintendence of the bishops of the dioceses in which their cures were situated, and did not at all affect the rights of the patrons, or of any persons holding office under the peculiars. He might add that all the Orders in Council which had been issued under this Act had been laid before Parliament. The last question of the hon. Gentleman was, why the Government, after having twice introduced Bills for the abolition of peculiar jurisdictions, had advised Her Majesty to interfere with the property and rights of those who were possessed of those peculiars, by Order in Council? He (Sir G. Grey) could assure the hon. Gentleman that the Government had no control over the matter. The law placed the power in the hands of the Ecclesiastical Commissioners, and these matters did not come at all under the cognizance of the Government.

MILBANK PENITENTIARY.

Mr. W. WILLIAMS wished to ask the right hon. Baronet the Secretary for the Home Department whether the information was correct, that three Gentlemen had been appointed as Commissioners to inquire into the charges preferred as to the mismanagement of the prison at Milbank; and if it were true that the Commission for that purpose did not include the name of the hon. Member for Finsbury (Mr. Duncombe)? In asking this question, he wished to observe that, if the right hon. Gentleman had excluded the name of that hon. Gentleman from the Commission, the inquiry would not be satisfactory to the public. He hoped the right hon. Gentleman would reconsider the appointment of such a Commission; for however respectable might be the names of those nominated, they would not be able to satisfy the public if the hon. Member for Finsbury were excluded.

Sir G. GREY replied, that it was quite true that a Commission had been prepared, and that it was confined to the names of three Gentlemen who had undertaken to perform the duties entrusted to them. The inquiry was to be directed into the conduct of the governor, and of other persons connected with the prison. His object was to select Gentlemen who would come to the inquiry with unprejudiced minds. It certainly never occurred to him to include in that Commission the name of the hon. Gentleman (Mr. Duncombe), for that hon. Gentleman had come forward to make charges against the persons connected with the prison, and to prefer statements, to the truth of which he had pledged himself. He did not think it would be right to ask the hon. Member to be one of the Commissioners; and if he had asked, he was sure the hon. Gentleman, under such circumstances, would have declined serving. The fullest opportunity would be given to the hon. Gentleman, who was the accuser in this case, of substantiating his charges; but the three Gentlemen who were appointed were to act as a jury; they were to be the judges. It was in no invidious sense, then, he excluded the hon. Gentleman, who had pledged himself to the truth of the statements he had made; but it would not do to have a judge pledged to decide that to be true which he had preferred as an accuser. The names of those who had been selected as Commissioners were the Earl of Chichester, Lord Seymour, and Mr. Bickham Escott.

Mr. WAKLEY asked whether the Home Secretary would, together with the names of the Commissioners, furnish a copy of the instructions given to them. He concurred with the hon. Member for Coventry that it would be next to impossible that the Commission would give satisfaction to the public unless his hon. Colleague was one of the Commissioners. The right hon. Gentleman said that these Commissioners were to act as judges; but he did not understand that persons so appointed were deemed to be judges, their duty being to report to that House for its information. The right hon. Gentleman the Home Secretary had broached a new doctrine. He placed great confidence in the right hon. Gentleman, having taken a phrenological survey of his head. Generally speaking, when Gentlemen were appointed to important offices he made such survey, and he did not know that he had ever been more satisfied than with the right hon. Gentleman's head. His impression was, that the right hon. Gentleman had a very benevolent disposition, and he should be disappointed if the right hon. Gentleman did not prove that he had a strong love of justice. The right hon.

Gentleman said that his (Mr. Wakley's) hon. Colleague (Mr. T. Duncombe) appeared as an accuser. Now, he thought that that was a dangerous doctrine. He took it that an hon. Gentleman presenting a petition relative to abuses in a public institution could not be considered as an accuser; and he hoped such a doctrine would not be repeated. It was his hon. Colleague's bounden duty to present the petition, it being respectfully worded. He had been the first to notice the abuses in the Andover Union, and yet he was placed on the Committee of Inquiry. So it was with the hon. Member for Weymouth, who had brought forward the cases of Mr. Parker and of Mr. Day. It looked like casting an imputation (though he was sure the right hon. Gentleman did not mean it) on an individual to exclude him from an official investigation because he had presented a petition connected with it. He trusted the right hon. Gentleman would reconsider the constitution of the Commission, and not object to placing his hon. Colleague on it.

Sir G. GREY said, that when the Commission received Her Majesty's sanction, he should not object to lay the instructions on the Table. He did not think that the analogy attempted to be drawn between a Commission of this kind and a Parliamentary Committee was good. When a Member brought forward a petition containing charges against a public department, it was customary to place such Member on the Committee of Inquiry, and there were also Members nominated who were supposed to take a different view of the case in favour of the public department. The Government, in selecting the Members of the Commission, had chosen men whose ability, and character, and impartiality, were likely to carry weight. When he called them judges, he did not mean that they were to decide on the case, but that they must be judges to a certain extent of the effect of the evidence and of the manner in which the witnesses gave their testimony.

Mr. T. DUNCOMBE felt personally indebted to the right hon. Gentleman for not asking him to perform the duty of one of the Commissioners, because, if he had done so, he should have accepted it, as he should have felt bound to continue this inquiry in the most stringent manner. This was a task which he preferred not having imposed upon him; but now, as to the right hon. Gentleman reconsidering the matter, he said, that after what had occurred, nothing would induce him to form one of the members of the Commission. As to the doctrine laid down by the right hon. Gentleman, that a Member of Parliament presenting a petition to the House, was to be considered as the accuser of a great establishment, he begged to protest against it, and to repudiate it. What had he done that he should be called an accuser? He was no more an accuser than the right hon. Gentleman himself; no more than the House itself was an accuser. In presenting a petition, he had stated that the allegations contained in it were true; because, before presenting it, he had taken pains to ascertain their truth. He did not think it right to present a petition containing such allegations unless he were convinced of its truth; and he now said that he believed its allegations to be true, and the counter statement of the governor and the other prison authorities to be false. And having presented a petition containing such allegations, it was said that he was now to appear before the Commissioners as a public prosecutor. That was a new office for a Member of Parliament. Why, he had stipulated that Mr. Barker was to appear in that capacity; but this he said that if it appeared to him that truth could not be otherwise ascertained, if it could be reached but in his presence, then in that case he would go before the Commissioners. Still he thought it was not the situation in which a Member of Parliament ought to be placed, who only did his duty in presenting a petition confided to his care.

Sir G. GREY explained that he had not used the word "accuser" in any invidious sense, or as meaning to convey that the hon. Gentleman had done anything more than what was his duty to do as a Member of Parliament. He used the word as signifying that the hon. Member had, independent of the petition of Mr. Barker, stated that he himself was prepared to substantiate charges against the officers of the prison.

Subject at an end.

THE COLONIES.

Mr. HUME had some days ago presented a petition from the Colony of Van Diemen's Land in favour of having a representative government, and he had also moved for a return of similar claims made by other Colonies. Ten Colonies had sent applications for representative governments; and he was strongly impressed with the belief that it was not only the intention of the Government, but that it was also the interests of the nation at large, that these applications should be conceded as soon as possible. The noble Lord at the head of the Government stated a few nights ago in a speech in that House that it was his opinion that every Colony should embrace within it as speedily as possible the public and social institutions of this country. He therefore concluded from the noble Lord's statement that all that was necessary was to point out that these privileges could be granted with safety. In Van Diemen's Land there were 35,000 free colonists without representation. The petition stated that under this mismanagement the expenditure had increased from 53,000*l.* in 1827 to 166,000*l.* in 1843, and that in the last three years it had exceeded the revenue by 111,000*l.*; that the Governor, with some members of the Legislative Council, had on every occasion overruled the other civil officers, and having on one day trebled a portion of the taxes, several of the civil officers, after, in vain, endeavouring to prevent this, felt it their duty to resign—six of them in one day. Her Majesty's Government ought to state to this Colony fairly what course they meant to adopt. It had now fallen to so low an ebb that emigration thither from this country had entirely ceased; and yet one of our great wants was, that of an outlet for our surplus population. Our Colonies were important, our exports to them were immense, their population had reached 4,674,000, namely, in North America 1,621,000, in the West Indies 901,000, and the other Colonies 2,152,000. The total number of our Colonies was forty-two, and twenty-five had Houses of Assembly, with a proper representation, the population of some of these latter being but 7,000, and even less. There was Anguilla, for instance, with a population of but 2,934, and yet it had its Assembly. One thing might be done instantly; every order issued by the Colonial Department affecting the Colonies might be published in the *London Gazette* on the day it was sent out. At present, proprietors and others interested in the Colonies had to wait for news from those Colonies to learn the nature of such orders. If before next Session measures were not adopted by Government for the general regulation of the Colonies, and for giving what the noble Lord said they ought to have—the power of managing their own affairs, he would move for an inquiry into the abuses in our colonial system. He had intended now to move that representative governments should be given to all our Colonies unless some special reason should appear for excluding any of them; but at this period of the Session he should be satisfied if he could draw from the Government what their intention was.

Mr. HAWES hoped he should not be expected to follow the hon. Gentleman in the wide and discursive view he had taken of our colonial policy, in calling attention to a petition from Van Diemen's Land, asking for a representative government there. He quite agreed that a representative form of government was the best, and that wherever there were good elements for establishing it, it was not only the bounden duty of the country, but its interest, to establish that form of government. But the case of Van Diemen's Land was peculiar; at present the free scarcely exceeded the convict population; and therefore it did not appear at this moment a case in which we had to consider the form of government best for a free population. But the subject was occupying the attention of the noble Earl the Colonial Secretary, and of the Government generally; and in the course of the recess the whole matter of the petition would come before him. With regard to the finances and the removal of certain Members from the Legislative Council, it was sufficient to say that a new Governor had been appointed, and his attention had been directed to the removal of those parties, with a view to bring about their restoration. He could assure the hon. Member, that he hoped and trusted that the measures taken by the Government to diminish the convict population in that Colony, might enable Her Majesty's Government, in a short time, to consider a better form of government for this part of our possessions. The sending of a large number of convicts to one place, had been a signal failure; and the first thing must be to remove at least a part of the difficulty arising from the preponderance of a convict population.

Lord J. RUSSELL: The hon. Gentleman has referred to opinions of mine given very lately. I have no hesitation in telling him, that I think, generally speaking, the representative constitution ought to be introduced further into our Colonies. But when he rather implies that there should be some general measure, or general law, which should introduce representative assemblies into our Colonies, I cannot agree with him, that there can be any one general measure which should apply to Colonies so differently situated as are those of this country. Some of them are inhabited by free Englishmen, who have long occupied them, and have been there perhaps from the first; there are others which we have obtained from foreign Powers, and in which part of the inhabitants are still Spanish, or of some other nations; others are almost of the nature of garrisons, where the greater part of the inhabitants reside only for a time; it is impossible to frame a general measure, and treat all these Colonies alike. I beg to say one word with regard to the Colony from which this petition comes—Van Diemen's Land, with regard to which my hon. Friend says, truly, that the plan of sending great numbers of convicts there, year by year, has failed. It has been said, that it is owing to a policy adopted when I succeeded the Secretary of State for that department; my policy was to leave off the then system of transportation to New South Wales. But I intended to go further, and to adopt in great part, though not altogether, the policy recommended in the works of the Archbishop of Dublin. My opinion is, that transportation ought to be very much diminished; I therefore intended to introduce Bills to take it away, in cases of larceny, and only leave it in some very grave cases, and where the punishment of death was commuted. If that had been done, the number sent to Van Diemen's Land in a year, instead of being 4,000, would have been but 500 or 600.

Subject dropped.

ADMISSION TO PUBLIC INSTITUTIONS ON SUNDAYS.

Mr. HUME rose to submit the following Motion, of which he had given notice:—

> "That with the view of lessening the temptation to drunkenness and immorality, and of promoting thereby the welfare of the working classes especially, and also of society generally, it is the duty of a Christian Legislature to open the British Museum, the National Gallery, and all similar public places calculated to afford innocent and instructive recreation, for the reception of visitors on Sundays and on holidays, at such hours after morning service as ginshops and public houses are open."

He hoped that they might yet be able to remove certain prejudices from the minds of many well-meaning persons on this subject; and that by opening such places as the British Museum to the people on Sundays, a great benefit would be conferred on the community. For many years there had been discussions in that House on the question, whether public houses should be allowed to open at all on Sundays; and in that subject he, along with his hon. Friend the Member for Kendal, had taken great interest. They eventually succeeded in obtaining a kind of compromise, which was, that all public houses should be shut till after one o'clock. He maintained, however, that all attempts by legislation to make people moral or religious, were futile. An Act of Parliament could not make a man more moral or more religious than he was before; and therefore, it was high time that other modes of improvement were attempted. The noble Lord (Lord J. Russell) had stated in his letter to the citizens of London, that his greatest difficulty would be how to deal with crime; now, one great source of crime was drunkenness; and he therefore wished to ask the noble Lord, if it was not a question well becoming the attention of the Cabinet, whether there did not exist means by which drunkenness, with all the evil consequences that flowed from it, might be prevented, or at least lessened, to a great extent? It was clearly the duty of Government to examine into this point; and he had no hesitation in saying that, together with education, free admission on Sundays into public places of recreation and instruction, such as the British Museum and the National Gallery, would tend greatly to promote that end. When a man visited the British Museum, such an impression might be made upon him by a single observation on what came under his notice, as might go to alter his whole future life. Who could tell how far the influence of what a man saw and felt then, might prevent him from going to the public house; and he had no doubt whatever, that admission to such a place to see the extraordinary works both of nature and art there exhibited, would lead many a man away from all thoughts of the public house. A great lesson was taught every man who passed through the British Museum; and he asked those who had conscientious scruples on this question, just to consider what benefit might not be derived from 20,000 or 30,000 people going through the British Museum or the National Gallery in one day. He was disposed to pay respect to the religious scruples of others; but what was the object of all religion, if it was not to make men better citizens, and prepare them for another world? Now, he maintained, that to open up to great bodies of men objects of contemplation similar to those placed in our public institutions, especially when by doing so they were kept away from the public house, was one of the best means which a Government could adopt for making men better, and elevating them in the scale of being. The most gratifying results had hitherto attended the opening of public exhibitions in the metropolis during the week, admission having been given to as many as 1,250,000 in the year; and the effect had been that in the large provincial towns, such as Manchester, museums and other public exhibitions were being established for the benefit of the working classes. A great improvement could not fail to have taken place in the metropolis in what were called the rude and uncouth manners of a large portion of the population, from the freedom of admission given to our public institutions. He should like to see the East India Company collecting for the instruction of the public specimens of every thing—be they bird, or beast, or fish, or vegetable—that India possessed, which we did not. The diminished cost of admission to the Tower had led to the best results; and if it were reduced from 6*d.* to 3*d.*, the numbers admitted would be double what they were at present. It was his intention to see what the Master General would do with that view. It was remarkable how well the public behaved at places of public amusement to which they were admitted freely. He was authorized to state, that at Hampton-court Gardens since the public had been admitted at nine o'clock in the morning, nothing whatever had been injured, and a case of intoxication had never been seen in the gardens. In 1845 the number admitted to the East India Company's Museum was 20,610, being an increase of 3,000 over the preceding year, and double the number of 1841; to the Botanical Gardens, Dublin, 25,247, being a considerable increase since 1842; to the Royal Botanical Society's Museum, 55,638, being an increase of 9,000 since 1842; to the Royal Zoological Society of Ireland, 132,482, an increase of 35,000 since 1842; to the Royal Institution of Liverpool, 21,399; to the Polytechnic Exhibitions of the Liverpool Mechanics' Institution, 67,952; to the Tower in 1841, there were 107,368 persons admitted; to the British Museum, in 1844, the number was 575,758. He hoped the House would take this subject into consideration, as he was convinced it would prove one of the best means of humanizing the people.

LORD J. RUSSELL: I am quite ready to concur with the hon. Gentleman in wishing the advancement of the object the hon. Gentleman has at heart; and I will, moreover, say that I believe no man in this House or in this country has done more than he has to promote that object. He has very properly laid great stress on the number of persons who attend the British Museum, and who attend other public places for the purpose of instruction and amusement, and very gratifying it is to me to see the large numbers of persons going in vans to Hampton Court on a Sunday, and who have an opportunity there of admiring the architecture and the pictures, and after a day of social recreation return to their homes, no doubt much better as regards morality than they went. But I must say that the hon. Gentleman has shown that no very great restraints are placed upon the admission of the people to these places of public resort at present, when he says that 32,000 persons were admitted to the British Museum in one day, and more than half a million in a year. That shows there are no very great restrictions on the admission to public places; but I am aware that the hon. Gentleman's object on this occasion is not so much the general object, but that he wishes us to take the course of allowing admission on Sundays to the British Museum and the National Gallery. Now I think that on that subject it is better not to lay down a positive rule; that it is much better to lay down no rule on that subject; but with respect to public gardens, where there are porters at the doors to take care who is admitted, I think they may be opened as the hon. Gentleman desires. If, however, we go to the other extreme, there immediately we come upon what is to be avoided; but at the same time, when he speaks of the argument of diverting people from scenes of drunkenness by throwing open these places of innocent recreation to them, I must say, that listening to the plays of Shakspeare is one mode of diverting people from such scenes, as well as going to the British Museum; and, according to that argument, therefore, the theatres may be places of diversion that ought to be opened on a Sunday. With respect therefore to these places, such as the British Museum and the National Gallery, I think it is for the directors to say whether these places should be opened on particular days or not; but if those who have the keeping of these places are to be deprived of a day of rest by attending on the visitors for several hours in going through the collection on a Sunday, that is not, I must say, a fit appropriation of the Sunday for them. The hon. Gentleman says, we might have particular persons employed for the purpose of showing these places on a Sunday; but I think it would not do to have such persons employed. I think that those persons who have the keeping over the objects of exhibition during the week, would not like, on the Monday when they returned, to find that these things had received injury in the course of being shown on the Sunday. It is better, therefore, that the trustees of the British Museum should be left to settle this question for themselves. It certainly may be right to open these institutions, and that those who are entitled to a day of rest on the Sunday should be enabled to go there if it will be a means of keeping them with their families. My hon. Friend says, that it causes man and wife to be brought together; and that they may go together to the British Museum; but a man and his wife may equally well take a walk to Regent's Park. [Mr. HUME: Suppose a rainy day.] I do not think their affections would be disturbed because the British Museum was not opened on a Sunday. I hope, therefore, that my hon. Friend will leave all these points to the persons who have the management of these institutions, who will decide whether they will allow all classes of persons to go as much as possible to these institutions. I am sure I quite concur with my hon. Friend as to the worthiness of the persons who go to these places. I have heard from the commissioners of police, when I have been in communication with them, that the more free and open these places are made to persons, the less danger there is of those brutal injuries to objects of art, which used to take place when admissions to such places were scarcely obtainable.

MR. WAKLEY tendered his thanks to the hon. Member for Montrose, and hoped he would bring forward this Motion every Session until his object was accomplished. That the noble Lord wished that object to be effected was evident, for he had not given a direct negative to the proposition of opening these places on a Sunday, but only said, leave it to the directors. But it must be remembered that the directors did not vote the money for these institutions: that was done by the House of Commons, and the House of Commons had therefore the right to point out to those parties how the money should be applied; and he hoped, therefore, that the noble Lord would point out to his brother trustees the propriety of acceding to this proposition. The noble Lord was a trustee, he believed, of the British Museum, and there he hoped the noble Lord would use his influence. He looked upon the contemplated change as likely to produce the best results as preventing drunkenness. If the House were fully aware of the evils that followed from drunkenness in this metropolis, there was nothing they would not do to save the people from so demoralizing a practice, What harm could arise from furnishing to the labouring classes, who had no opportunity during the week-day of taking it, the means of innocent recreation on a Sunday? But the noble Lord objected that to throw open these places to the public on a Sunday, would be laying an additional tax on the persons who were employed in keeping them. He admitted that; but was there any difficulty in putting other persons in the room of the week-day attendants? He said there was none. But then it was still said the persons so placed there would lose the Sunday. They might, however, set persons of the Jewish persuasion there, who would not object to working on that day. He would be bound there would be candidates enough. They would gain instruction and amusement also by being there. He did hope that the suggestions of his hon. Friend would be carried into effect, if not wholly, at least partially. He believed that it rested with the noble Lord whether or not anything should be done; and he was quite sure that if the noble Lord made the suggestion to his brother trustees it would be carried into effect.

MR. WILLIAMS thought that the proposed change, instead of interfering with due attention on the part of the people to religious duties, would very much promote the feelings that led to practising those duties; and he hoped the noble Lord would exert his influence to get it carried into effect.

MR. SHAW hoped the House would not agree to the Resolution of the hon. Gentleman (Mr. Hume); nor did he think the speech of the noble Lord (Lord J. Russell) fairly bore the interpretation put upon it by hon. Gentlemen who had spoken after him, namely, that the noble Lord was in favour of the Resolution. He approved as much as any man of affording to the humbler classes the opportunity of all lawful recreation; but when the hon. Member for Montrose challenged any Member of the House to give a reason why the public institutions should not be open on Sunday, he answered by saying, that "you must not do evil that good might come of it." In his opinion, to open these places of public amusement, would be a desecration of the Sabbath; and he trusted and believed that that was the opinion of the great majority of the people in that country. It was not for him to condemn others, or other countries, that acted on a different principle; but he was persuaded that such was the English feeling; and he hoped that it would long continue so. It was, in short, the characteristic difference between a Protestant and a Roman Catholic community. When the hon. Member for Montrose stated that upwards of a million of persons annually visited those institutions, he rejoiced to hear it, for he was free to admit their humanizing and improving influence. But the statement itself implied that there was no necessity to violate the Sabbath, in order to render the advantages of such institutions available to the poorer classes; and when the hon. Member for Coventry (Mr. Williams) argued that as some places of the kind were now open on the Sunday, why not open the British Museum?—the next step in that argument would be—if the British Museum was opened, why then not open the theatres, and all other places of public amusement? How strong too was the admission made by the proposition of the hon. Member for Finsbury—if it was meant seriously—that Jews might be employed as the officers of these public institutions on a Sunday—was it not that it would be unfitting, unchristian, to deprive the existing officers of the rest to which they were entitled on the Sabbath day? To that it would really come. He protested against the House voting, in the words of the Motion of the hon. Member, —that "it is the duty of a Christian Legislature" to countenance that which he contended would be a desecration of the Sabbath day.

Captain PECHELL supported the Motion of the hon. Member for Montrose. There was this distinction between the opening of theatres on Sundays and the opening of the British Museum: the first were private property, and the other was property belonging to the public. When he saw the order and decorum which prevailed at Hampton-court on Sundays, he had no reason to anticipate any bad consequences from opening the British Museum on that day; and he hoped that no feeling of prejudice would prevent its being carried into effect.

Mr. GOULBURN said, that if he agreed with the hon. Member who had just sat down in thinking the abstinence from occupation and amusement on the Sabbath a prejudice, he would have no hesitation in supporting the Motion of the hon. Member for Montrose. But the hon. Member and he entirely differed in opinion on that point. He admitted that drunkenness was a great source of crime and unhappiness among the lower orders; but, at the same time, his own observation of and intercourse with that class of society, led him to believe that the desecration of the Sabbath was also a source of bitter repentance, sorrow, and misfortune, as well as the crime of drunkenness. He, therefore, had come to the conclusion, that it was neither a politic nor a wise course of proceeding to attempt to expel one vice—drunkenness—by giving encouragement to another—the desecration of the Sabbath. He wished to make one observation about extending to the lower orders those recreations which he agreed in thinking could be properly made use of to humanize them, and which, on what were called the lawful days of the week, he would be disposed to encourage. The Victoria Park, in the vicinity of the metropolis, had recently been opened, and was in progress of completion; and it had been contemplated by Her Majesty's late Government to propose the erection of a building in that park as a repository for objects of curiosity and interest to the public; and there would be no difficulty in collecting such objects. There were always a number of ships in the docks which had brought articles of rarity from different countries; and he was sure the masters of such ships would be glad to deposit them in a place where they would be generally accessible. And as the docks were in the neighbourhood of the park, and as there was a large class of persons in that quarter who had no opportunity of visiting any similar place, he hoped the noble Lord would see the propriety of following up the views of his predecessors, and proposing the erection of a building for the accommodation of such objects as the public took an interest in.

Sir W. CLAY warmly supported the suggestion of the right hon. Gentleman. If such a building were erected, he was sure the objects would rapidly accumulate.

Dr. BOWRING was sorry to hear hon. Gentlemen opposite associate the rational and intellectual enjoyment of the people with the desecration of the Sabbath. It was no such thing. He would rather call it the consecration of the Sabbath, and would be disposed to give it every encouragement.

Mr. HUME said, that after what had passed, he would not press his Motion. He hoped that what had been stated by the noble Lord was in some degree shared by his Colleagues, and that before next year the matter would be quietly settled.

Motion withdrawn.

SUPPLY (IRELAND).

The House in Committee of Supply.

The CHANCELLOR of the EXCHEQUER proposed that a sum of 133,000*l.* should be voted to defray the expenses incurred for the relief of distress arising out of the failure of the potato crop in Ireland.

Mr. WILLIAMS understood it had been stated that a further sum would not be required from the Consolidated Fund, but that whatever money would be required afterwards should be repaid. Now, he objected to the principle of taxing the people of this country to relieve the distress in Ireland. If there were no other means for relieving that distress besides taxing the public, he could not conscientiously oppose the tax. But he considered this sum of money, not so much a grant to the Irish people as to the Irish landlords; and he said, if they had the same system of poor laws there as existed in this country, they would not be called on to make this grant. It was, he repeated, a most unjust principle to tax the people of this country for this purpose, when the distress might be as well removed by compelling the possessors of the land to maintain their own poor, as they did in England. Why should this difference exist? He was surprised that Irish Members did not repudiate such a system. The land of Ireland, if properly cultivated, by giving employment to the poor, could produce twice as much as it did at present. Did they mean to go on with this tax whenever this distress occurred? He had been informed by an Irish gentleman, that the people in the south of Ireland had refused to work on account of this relief. Parliament ought to be informed that this money would be required. He had been informed, in reply to a question, by the late Chancellor of the Exchequer, that no more money would be given for this purpose, and he thought the House should be informed of the intention to grant this sum, which was a departure from the usual course.

Vote agreed to.

SUPPLY—BUCKINGHAM PALACE.

On the Question that 20,000*l.* be granted for enlarging and improving Buckingham Palace,

The CHANCELLOR of the EXCHEQUER stated, that before any buildings were commenced, the plans and estimate would be laid before the House. The report of Mr. Blore stated at length the inconveniences to which Her Majesty was subjected from the want of proper accommodation at Buckingham Palace. That palace was originally built for George IV., and was therefore planned as for a Sovereign who had no family. It was finished for William IV.; but that Sovereign did not in effect reside there; and when Her Majesty came to reside there on her accession, no additional provision was made, such as would now fit it for the occupation of the Royal Family. The domestic offices, in particular, were on a scale totally inadequate to the wants of the establishment: they were, in fact, as inconvenient as they possibly could be. During Her Majesty's occupation of the palace various minor alterations were made, which came within the ordinary departmental expenditure; but the domestic offices were still wholly inadequate, and there was a general want of accommodation throughout the palace. It was only under these circumstances that Her Majesty had been induced to allow Her Ministers to propose that the necessary additions should be made. The inconveniences occasioned by the want of accommodation were stated at length in Mr. Blore's report, which had already been made public. He would, therefore, only refer generally to a few of them. In the first place, so limited was the room, that the space immediately under Her Majesty's own apartments was necessarily appropriated to the workshops of upholsterers and cabinet-makers, who carried on their business there, accompanied by an inconvenient noise, and with much risk to health and even personal danger from the inflammable nature of some of the materials employed by them. In the next place, there was no accommodation for Her Majesty's family. Even at present there was not enough room, but the difficulty would be still further increased when the younger members of the Royal Family grew up; and it would be necessary that those who were charged with their education should be resident close to them, and when they would require a greater number of servants. A further inconvenience was occasioned by the Lord Chamberlain's apartments not being within the palace; and there was also a total want of due accommodation for foreign Sovereigns who might come to visit Her Majesty. These were a few of the leading grounds on which the increased accommodation was sought for—the details would be found in Mr. Blore's report. With regard to the mode in which it was proposed to carry out the object, he might generally state that the plan was to complete the quadrangle by erecting a range of buildings in front of the present palace. The cost was estimated at 150,000*l*., but it was proposed to take 20,000*l*. only this year. In part to meet the expenditure, it was proposed to dispose of the Pavilion at Brighton.

Mr. PROTHEROE felt sure there was not one of Her Majesty's subjects who would grudge any sum wanted to maintain Her Majesty in comfort and dignity. Another sentiment he believed equally universally prevailed, that the present palace was unfitting, as regarded both comfort and dignity. It was precisely on these grounds that he thought the course now proposed by Government of enlarging the present building was injudicious, and would lead only to disappointment. Ministers had no doubt been actuated by a wish to combine economy with a due regard to the dignity of the Crown; but he ventured to say that the only result would be, that a building would be erected inconsistent with the comfort of the Sovereign, and which would give displeasure to the public. This subject ought to be viewed not only in connexion with the comfort and dignity of the Sovereign, but with the interests of the metropolis. The present palace and grounds caused great inconvenience to the inhabitants of the district now called Belgravia, as was well known to those who, like himself, resided there.

Mr. BERNAL thought that the Chancellor of the Exchequer had stated good grounds for his proposal, more especially as it was proposed to sell the Pavilion at Brighton. Whether a purchaser could be found was another question, unless, indeed, it could be sent off, just as it was, to Hong-Kong. He feared all the money that might be expended upon Buckingham Palace would fail in making it a decent and proper residence for the Sovereign of this country; and he believed some hon. Members of that House would live to hear a Government come down and make a formal statement to that effect. He wished that they had a Government architect and engineer, to whom the sole control of planning and erecting public edifices might be committed under the superintendence of a Government board.

Captain PECHELL hoped that when any arrangement was made for the disposal of the site of the Marine Palace at Brighton, it would be remembered that, in order to suit the convenience of George IV., when Prince of Wales, the people of Brighton had given up the principal road into that town, and that measures would be taken to restore to the town what had then been relinquished.

Mr. HUME complained that a proposition of this nature, involving the outlay of 150,000*l*., should be brought forward at that late period of the Session. Even if they agreed to expend this large amount on the improvement of Buckingham Palace, the question occurred—was not the palace in an unhealthy situation? Of that fact, he believed there could be no doubt. The ground on which the palace was built, was below the level of the Thames at high water; and the lower apartments, he was informed, had frequently been flooded. There were also upholsterers' and other workshops in the palace, and the effluvium from the glue and other articles used in those places could not promote the health or comfort of the inhabitants. Within his recollection vast sums of money had been expended on altering and improving the palace, and yet the House was now asked to sanction a vote of 150,000*l*. for further improvements. He considered that if the House consented to this vote, it would lose character in the opinion of the country; and certainly such a vote ought not to be sanctioned until proper plans and estimates were laid before them. He considered that a commodious, and comfortable, and becoming residence ought to be provided for the Sovereign of this country; and if Buckingham Palace did not furnish adequate accommodation, they had plenty of sites on which to build another. He suggested that this vote should be postponed until next Session, in order that the House might be furnished with plans and estimates for the proposed alterations; for surely the postponement of the matter for six months could not occasion any inconvenience. The hon. Member moved, as an Amendment, that the vote be reduced to 5,000*l.*, the sum necessary to repair the damage done to the palace by the recent storm.

The Earl of LINCOLN thought it was only necessary to prove, as the right hon. the Chancellor of the Exchequer had already (in his opinion) proved, that Her Majesty was not properly accommodated at present, to show that the vote was not premature. And if those facts were satisfactorily established, he was sure that the hon. Member for Montrose would not be disposed to object to its being passed at once. He could assure the House and the hon. Gentleman, that the whole subject had occupied the attention, and had been for a long time the subject of the most careful consideration of the late Government. Some of the objections made by the hon. Gentleman had been considered by them; and they had submitted those objections, together with the plan of Mr. Blore, to three gentlemen, Mr. Barry, Sir R. Smith, and Sir James Clark, who had reported favourably on them, and had considered that no inconvenience or danger to the health of the inmates would arise from completing the quadrangle. From the care which had been bestowed upon the subject, he thought he could assure the hon. Gentleman that most ample security would be given that the building would be in good taste, and the plans such as promised adequate accommodation. With respect to the time and the necessity for an immediate grant, he should observe that it would be of the utmost importance to have the foundations for the new building laid down as soon as possible. It was not an affair of three or four months, as the hon. Gentleman had described it, but one involving an entire year's delay. And so great was the necessity for additional room in the palace, that before the birth of the last princess, about a year ago, it was almost impossible that the royal family could be accommodated, not merely with convenience or comfort, but absolutely with decency. He hoped, therefore, that the hon. Gentleman would withdraw his Motion. The unsuitableness of the present building was obvious, and if the hon. Gentleman, or any hon. Gentleman, would take the trouble of examining it, he would be at once convinced that the internal accommodation was far inferior to the expectations excited by the external appearance, and that the large quantity of brick and stone consumed in its erection, afforded as little interior accommodation as possible. As regarded the sum proposed to be expended upon its improvement, he expected a very large sum from the sale of the palace at Brighton, which would be directly applicable; but independently of that he would recommend to the notice of the hon. Member for Montrose the saving that would be effected annually by the disposal of that building—a saving which he thought would more than cover the interest of the sum for which the public was likely to be called on. But another matter was also deserving of notice. This was the first sum that Parliament had been called upon to vote for the personal accommodation of Her Majesty since her accession to the Throne. It was impossible to overrate the moderation exhibited by Her Majesty in all matters in which the public were to be called upon for money. In no one instance, during the time he had been in office, had he to request Her Majesty to withdraw a demand for expenses; but in some instances, he had, on the contrary, to suggest to Her Majesty certain expenses which he thought absolutely necessary for the support of the personal dignity of the Sovereign; and it was invariably a matter of pain to her when any demand was made which involved an expenditure, the weight of which fell upon her subjects. When the Pavilion at Brighton was found totally insufficient for the accommodation of the Royal Family, Her Majesty, instead of asking for a grant, preferred taking, at her own expense, a residence more suitable. The hon. Member for Montrose had suggested the building of a new palace, instead of repairing and extending the present one, but he seemed to have overlooked the difficulty of finding a suitable site. He trusted the hon. Member would not press his Motion.

Mr. HUME said, that he could readily suggest a site for a new palace. Let them take Kensington Palace down, and build a new and suitable one upon its site, and there was no individual who would grudge the money for such a purpose less than he. But he objected to expending money upon a useless edifice. Let them build a new palace in Kensington-gardens, and convert the present Buckingham Palace into a great museum for the public, and preserve the gardens for the public. If that were done, he would pledge himself to take out of the British Museum that which lay there at present buried and unknown, sufficient to supply the new museum.

Mr. WILLIAMS had seen many strange proceedings in that House, but never any stranger than the proceeding of that day. He had as great respect for Her Majesty, and as much desire that she should be properly accommodated, as any Member in the House; but he could not forget that many years had not elapsed since George III., with his very large family, not merely a family of infants, but of grown-up men and women, had found sufficient accommodation before the erection of even the present building. Since the death of that Monarch, no less than 2,000,000*l.* had, as the hon. Member for Montrose had informed them, been expended on the erection of palaces. The English were said to be the richest nation in the world, and their wealth was quoted as a reason for giving further accommodation to their Sovereign. But if they were the richest nation in the world, let them recollect, in ordering their expenditure, that there were two millions and a half of their Irish fellow subjects in a state of starvation such as was unknown in any other part of the world. As to the royal palaces, there were eight supported by the public. He could not forget one which, for the use of the King of the Belgians, was kept up at the public expense; and there were two in Scotland, making eleven royal palaces in all. He mentioned those matters with a feeling of the deepest respect for his Sovereign. He maintained that those who objected to those unnecessary expenses were the real friends of the monarchy, and that those who encouraged them were its enemies. The pressure upon the taxation of the country was already such as the people could not bear, and he warned the House against laying fresh burdens upon it.

Lord JOHN RUSSELL was glad to find that the hon. Member for Coventry was the only one who opposed the present vote on the ground of unnecessary and excessive expenditure. The other hon. Gentleman seemed to oppose it only on the ground that it was to be directed to improvement of the old instead of the construction of a new palace. But he thought few would be found to agree with the views of the hon. Member for Coventry. Of the eight palaces mentioned by that hon. Gentleman only two, Windsor Castle and Buckingham Palace, were occupied by Her Majesty. And when Her Majesty had thought it necessary to seek another and more convenient marine residence than that at Brighton, the whole expense of taking and purchasing Osborne-house and grounds in the Isle of Wight had been defrayed from the privy purse instead of any call having been made upon the public. In fact, Her Majesty could hardly be less provided for. But with regard to the suggestion of building a new palace at Kensington, that would involve the commencement of an expenditure too considerable to be incurred. Her Majesty would be quite satisfied with an expenditure which would at least allow her sufficient accommodation. He trusted that early next year the plans would be laid before the House, and that they would find they would have something handsomer to look at, and more respectable and suitable for a royal palace, than the nation possessed at present.

Mr. HUME wished it to be distinctly understood that he objected to the vote for the reasons he had already given. It had been brought forward at the end of the Session, and the House was asked to agree to it without plans, without estimates, and without reports. All he asked for was that the vote should be suspended until Parliament should meet again; and in the interim all the requisite information could be prepared. At present he was convinced that if 150,000*l.* should prove to be the whole of the expenditure, the palace would never be worthy of the Sovereign. He should therefore divide the House.

Mr. GOULBURN said, it was obvious to the House that the present inadequate provision for the domestic accommodation of the Sovereign was admitted by all parties. The only question, therefore, that really remained for their decision was, whether that requisite accommodation was to be supplied by the alteration of the old palace, or the construction of a new one. The question was merely one of how the required accommodation could be best supplied.

The Committee divided on the Question—

"That a sum, not exceeding 20,000*l.* be granted to Her Majesty, on account of the Works for enlarging and improving Buckingham Palace, in the year 1846:"—

Ayes, 55; Noes, 6: Majority, 49.

List of the AYES.

Anson, hon. Col.
Arundel and Surrey, Earl of
Baine, W.
Bentinck, Lord G.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bridgeman, H.
Brotherton, J.
Browne, hon. W.
Buller, C.
Byng, rt. hon. G. S.
Cowper, hon. W. F.
Craig, W. G.
Cripps, W.
Douglas, Sir H.
Dundas, Adm.
Dundas, D.
Ebrington, Visct.
Ferguson, Sir R. A.
Fleetwood, Sir P. H.
Fox, C. R.
Gibson, rt. hon. T. M.
Gladstone, Capt.
Gore, hon. R.
Goulburn, rt. hon. H.
Grey, rt. hon. Sir G.
Hamilton, G. A.
Hawes, B.
Henley, J. W.
Hobhouse, rt. hon. Sir J.
Howard, P. H.
Humphery, Ald.
Jones, Capt.
Labouchere, rt. hon. H.
Lincoln, Earl of
Macaulay, rt. hon. T. B.
Mackinnon, W. A.
Maule, rt. hon. F.
Morpeth, Visct.
O'Conor Don
Parker, J.
Pechell, Capt.
Plumridge, Capt.
Reid, Col.
Rich, H.
Russell, Lord J.
Seymour, Lord
Sheil, rt. hon. R. L.
Smith, B.
Somerville, Sir W. M.
Spooner, R.
Stewart, P. M.
Troubridge, Sir E. T.
Wood, rt. hon. C.
Wood, Col. T.

TELLERS.

Tuffnell, H.
Hill, Lord M.

List of the NOES.

Bowring, Dr.
Duncan, G.
Tollemache, hon. F. J.
Warburton, H.
Wawn, J. T.
Williams, W.

TELLERS.

Hume, J.
Protheroe, E.

Vote agreed to, as were other Votes.
House resumed.

THE NEW CORN LAW.

MR. VILLIERS moved—

> "That this House do resolve itself into a Committee of the whole House to consider the Laws regulating the Duty on Rye, Peas, and Beans."

That law was the Corn Law, and the purpose of his Motion was to propose an Amendment in that Act, a slight one in character, and not raising, he trusted, any question of principle, such as that of freedom or protection, which had lately excited such strong differences of opinion. It was simply to correct an error or remove an inconsistency which had come to light since the passing of the Act, the continuance of which was an advantage to no interest, was an inconvenience to some, and of which the removal would only give effect to the intention of the Act. He had already stated at length, upon asking the consideration of the House to the petition which had been printed, the particulars of this error, and he would not then detain the House by repeating what he had stated on that occasion. He would simply add that the intention of the Act with respect to the duties on all foreign corn imported was contained in the 4th section of the Act; it was there stated with great distinctness that the price on all grain of this country should be collected, made up, and the averages struck and published as they had heretofore been, and that the duties upon all the different grains imported should be regulated by those prices as they had heretofore been. But though this was directed to be done by the 4th section of this Act, it was not done with respect to rye, peas, and beans—an arbitrary duty, namely, the duty on a given amount of barley, being declared to be the duty attaching to those different grains. The purpose he had in view was simply to give effect to the intention of the Act, and thereby to meet the wishes of the trade, and better promote the interests of the agriculturists. Since he had brought the matter forward before, the Lord Mayor had thought it right in his official capacity, and as a great merchant himself, to ascertain if what he had stated to be an error in the Act was so regarded by the persons engaged in the trade; and no less than ninety of the most respectable firms engaged in the corn trade had signed a memorial to the Lord Mayor, stating that they viewed it as an error, and that they should be greatly relieved by its being amended. He believed he had also ascertained what it was that had been intended by the framers of the Act by making the duty on barley regulate the duty on beans, which was, that observing in the old Act that the scale for barley had been nearly the same as the scale for beans, they had wished to make it the same under the new Act, but had expressed what they meant imperfectly, making the duty on barley, without reference to the price of beans, determine the duty on that grain. There could, however, be no object in this, and it operated now in a manner wholly opposed to the purpose of the scale, for a high duty attached to high price, and a low duty to a low price; and though that was capricious and inconsistent, it did not really assure the grower a higher protection, while it increased instead of diminishing the impediments to trade. He believed the noble Lord the Member for Lynn would not deny that it was a blunder, and he trusted that the noble Lord would not, merely to get a slight triumph at this late season of the year, oppose an alteration that would suit the convenience of all, and really injure none. What the noble Lord had done against the Bill had been done openly, and for the purpose he avowed; he trusted, therefore, that he would not be a party to anything paltry now, and merely for mischief sake resist what would not be an injury to those he represented. Hoping that the House would allow him, at least, to bring in the Bill, he would move the Resolution of which he had given notice.

Lord GEORGE BENTINCK admitted that this had been a blunder committed by the Members of Her Majesty's late Administration. It certainly appeared extraordinary that a set of Gentlemen who thought themselves the only practical men in the country, the only men capable of administering the affairs of the country, should have had a measure of this kind for five months under their notice, and not discover the blunder they had committed. But since the agriculturists had had the good fortune to obtain something more of protection upon peas and beans, through a blunder of the late Government, than they would have received through the good intentions of that Government, he was not disposed, without another fight, to give up any protection, small as it might be, that they might now possess. It was perfectly true that by the Act which had passed the Legislature, after five months of deliberation, rye, peas, and beans were to pay a duty which was not to be regulated by the price of the said rye, peas, and beans, but by the price of barley, so that now barley was cheap and peas and beans dear, they had to pay a high duty regulated by the low price of barley. Therefore, if barley were high, and peas and beans low, peas and beans would pay a low duty, regulated by the high price of barley. Ridiculous as this was he cared not, so long as he could retain somewhat, although not much, of protection for the agricultural interest. The duty was now 4*s.* upon peas. Her Majesty's late Government had intended it to be 2*s.* The foreign importer had at least gained some advantage, for low as the duty was now, and higher than was intended by the late Government, it was not equal to that which was imposed by the Act of 1842, for that duty would have been 7*s.* 6*d.* So that the protection to the British farmer was already reduced nearly 50 per cent. He thought that the consumers had no right to complain; and if he looked to the prices of peas and beans, he found that the *ad valorem* duty, even with the mistake of the late Government, did not amount upon those articles to more than 10 per cent on the one, and 12 per cent on the other. That he did not think was a very high *ad valorem* duty to pay on the foreign produce; and he was sure his right hon. Friend the Chancellor of the Exchequer was not so overburdened with riches as to afford to spare any revenue that could be levied upon the produce of foreign countries. The difference upon the thousand quarters of peas and beans introduced every week at the rate of 2*s.* a quarter, would make a difference of some 30,000*l.* of revenue; and the country could not well afford to part even with that. He trusted Her Majesty's present Government would not consent to the introduction of a Bill to amend the blunders of their predecessors. But if they did, then he must promise them his opposition, for he should contest the proposition, as he had done the former Bill, in every stage; and he thought his hon. Friend the Member for Wolverhampton would hardly, at the present period of the Session, press a measure likely to be productive of such arduous work for the end of August.

The CHANCELLOR of the EXCHEQUER did not know that it rested with him to admit that there had been a blunder; but he could only say that it did seem strange that the duty on peas and beans should be regulated by the price of barley. At the same time he thought his hon. Friend would admit that at this period of the Session it was not worth while to enter upon a contest by the introduction of a Bill threatened with such opposition.

Mr. GOULBURN said, that if the noble Lord had the drawing of a Bill of such a complicated commercial character, he would then have practical experience of the difficulty of preventing an occasional mistake or inconsistency creeping in.

Mr. VILLIERS said, if the right hon. Gentleman would only say that the practical operation of the measure had not carried the intention of the fourth section into effect, no party in the House would take advantage of a mere error, and he hoped the right hon. Gentleman would allow the Committee.

Mr. ELLIOT YORKE was opposed to any alteration of the law at the present period of the Session.

Mr. WARBURTON recommended the hon. Member for Wolverhampton not to divide.

Mr. VILLIERS certainly saw no impropriety in dividing upon the question; and if he now withdrew his Motion, it was only because he observed that there were only thirty-seven Members in the House. Motion withdrawn.

GOVERNMENT OF NEW ZEALAND.

Mr. HAWES moved for leave to bring in a Bill to make further provision for the government of the New Zealand Islands. The object of the measure, he said, was to establish a municipal and representative government in the Colony, thus carrying into effect the views of both the late and the present Government.

Mr. GOULBURN did not intend to offer any objection to leave being given to bring in the Bill, but must state, that unless some great emergency required it, he could not do otherwise than condemn the introduction of a constitutional measure of such importance at so late a period of the Session.

Mr. C. BULLER observed, that the present Bill was founded on one that had been bequeathed by the late Colonial Secretary. The right hon. Gentleman the Member for Cambridge seemed to think that there was no necessity for such a Bill as the present; but the right hon. Baronet lately at the head of the Government, was not when in office of that opinion; for he had stated most distinctly that he and his Colleagues would feel it to be their duty either to bring in some such measure as this before the Session closed, or else to introduce an enabling Bill. The plan of government for New Zealand which was proposed by the present Bill, was the one which appeared to Her Majesty's Ministers the most likely to be acceptable to that House, and beneficial to the Colony. The Bill proposed to establish the general outline of a constitution, leaving the details to be filled up by Orders in Council, which would be adopted after consultation with the best authorities on the subject.

Motion agreed to. Bill brought in and read a first time.

House adjourned at half-past Seven o'clock.

HOUSE OF COMMONS,

Saturday, August 15, 1846.

MINUTES.] PUBLIC BILLS.—1°· Customs (No. 2).

2°· Income Tax Deduction.

Reported. House of Commons Offices.

3°· and passed. Lunatic Asylums and Pauper Lunatics; County Works Presentments (Ireland) (No. 2); Public Works Commissioners (Ireland); Public Works, Fisheries, &c.; Public Works (Ireland) (No. 3); British Possessions.

PETITIONS PRESENTED. By several hon. Members, from a great number of Chemists and Druggists, and from Members of the Pharmaceutical Society of Great Britain, praying that the Spirit Licenses and Duties Bill may not pass into a Law.—By Mr. Bright, from Inhabitants of Newport and Neighbourhood, Isle of Wight, Hants, praying the House not to sanction, by Votes of Money, or otherwise, any further Embarkation of Troops from the United Kingdom to Foreign or Colonial Countries.—By Mr. Milnes, from Mayor, Aldermen, Burgesses, and Inhabitants of the Borough of Kendal, and from Mayor, Corporation, Clergy, and Inhabitants of the Town of Kendal, for the Adoption of some Measure respecting the Employment and Reformation of Discharged Prisoners.—By Mr. Wakley, from Richard Quain, M.D., from Resident Medical and Surgical Officers of University College Hospital, and from General Practitioners in Medicine, Surgery, and Midwifery, residing at North Curry, in the County of Somerset, praying that the Medical Practitioners Bill may pass into a Law.—By Mr. Attorney General, from Mayor, Aldermen, and Burgesses of Kidderminster, in favour of the Small Debts Bill.

BRITISH POSSESSIONS BILL.

On the Question, that the British Possessions Bill be read a Third Time,

The CHANCELLOR OF THE EXCHEQUER said, that in consequence of what fell from the hon. Members for Cambridge and Birmingham when this Bill was last before the House, he should propose such words as Amendments in the Bill as would meet the objections raised, and prevent the colonial legislatures from laying unfair duties on British produce and manufactures.

Lord G. BENTINCK rose to move, that the Bill be read a third time that day three months. The effect of this Bill would be to take away the monopoly that, up to the present time, the manufactures and produce of Great Britain had enjoyed in the British Colonies. It would also altogether overturn the colonial system of this country, which had consisted in defraying colonial expenses by the monopoly of trade which her subjects had enjoyed with the Colonies. If the present Bill passed, the first act of the British colonial legislatures would be to do away with all differential duties. The effect of the recent free-trade measures had not been such as to afford the House much encouragement to proceed in the same course. The passing of the Corn Bill, and the prospect of the passing of the Sugar Bill, had not appeared to have secured the prosperity of the manufacturers, as they were told. At Oldham, Stockport, Ashton, Dukinfield, and in some places in Yorkshire, the master manufacturers had already given notice to their workmen of a reduction of five per cent in their wages, telling them that as food was cheaper, they could afford to work for lower wages. The effect of the recent free-trade measures upon Manchester was described in a circular by Messrs. Gibson and Ord, who stated that there had never been so dull a month as that which had just passed. And this was the state of things notwithstanding the fine harvest throughout the country. It was not at all improbable that the farmers, seeing the price of wheat rapidly falling to 40*s.* a quarter, would forbear to purchase any manufactures until they saw whether they could afford to pay for them. From Canada the accounts were, that all kinds of produce, but particularly flour and timber, had fallen in value; and he knew that a house had recalled an order for 100,000*l.* worth of dry goods to be sent to the Canadas, in consequence of the passing of the recent measures. Such was the consequence of their free-trade measures in Canada. Under these circumstances, the manufacturers could ill afford to lose the monopoly of the colonial market, which they now enjoyed, and the House ought to pause before they read a third time a Bill so important, and introduced, too, at so late a period of the Session. The Bill was only printed on the 11th of August, and the House was now asked on the 15th to read it a third time, and pass it. At present half the House were gone to the moors, and another fourth were gone to the Continent. Only about fifty or sixty Members remained to legislate on a Bill of too much importance to pass in such a House. The noble Lord at the head of the Government once said, and well said, that this country could not bear to have a revolution once a year. At present, however, they had a revolution once a week. The consequence of passing this Bill would ultimately be to abolish the navigation laws. Let the shipping interest know that the hon. Member for Durham cheered that statement, and that it was the intention of the manufacturers of England to do away with the navigation laws. Let the British shipowners and merchants consider the low rate at which the Danes, the Swedes, the Prussians, and even the Americans, could navigate their vessels, and let them understand that the manufacturers of England intended to be merchants also, and employ the cheapest vessels they could find. He considered that he should be wanting in his duty to all the great interests concerned if he forbore to oppose the Bill, and he accordingly moved that it be read a third time that day three months.

Lord J. RUSSELL said, his noble Friend had told the House that half the Members were gone to the moors, and he had certainly been in hopes that his noble Friend would have been among that party. If his noble Friend were enjoying himself in shooting at this time of the year, he should be better pleased; but as his noble Friend remained in the House, he should be obliged to repeat to him the general principles on which the measure rested. His noble Friend was convinced that protection ought to be kept up for the producers of sugar, and that they ought to be entitled to differential duties as against all other producers. His noble Friend had failed in his attempt to bring the House over to his views; a majority of 130 had voted against him; and he saw by the Votes of the other House that there were only ten Members of the House of Peers who appeared to have opposed the Sugar Duties Bill. Parliament, therefore, was about to assent to an Act which, by a gradation of duties, would, at the end of five years, take away all protection from the sugar-producing Colonies of this country. The colonists might, therefore, fairly urge that Parliament ought to give them also the benefit of free-trade principles, and not expose them to the disadvantage of protection, if they were not to receive its advantages. It followed that if Parliament said the manufacturing and agricultural part of the population had a right to consume the cheapest sugar they could get, the Colonies were also entitled to have their provisions and manufactures at as cheap a rate as they could be obtained. He would not now go into the question raised by his noble Friend, and discuss the policy of the navigation laws. If it were a mere question how the wealth of a country could best be promoted and distributed, then all the authorities, from Adam Smith downwards, established that the principles of free trade were undeniable and irrefragable, and ought to obtain. But, if a case were made out on any particular subject, that another principle than that of free trade ought to prevail, then Parliament ought to give that subject due consideration. If his noble Friend had succeeded in proving that sugar ought to be an exception to the adoption of free-trade principles, that would be an answer to the application of those principles. But he had failed to make that out. So as to the navigation laws. If it were a mere question of the production and distribution of wealth, then he thought everybody ought to be allowed to use the ships he thought best. But then arose the consideration of the naval defence of this country, and its naval supremacy, and it became a question whether these might not be endangered by a change in the navigation laws. Into that question he would not now enter. In other respects all the protective theories had been proved to be unfounded, and there was no ground for saying that the West Indies ought to be deprived of the power to obtain their provisions and manufactures at the cheapest rate.

Mr. SPOONER had intended, if he had caught the Speaker's eye, to move that the Bill be recommitted. He should now vote in favour of the Motion of the noble Lord, that the Bill be read a third time that day three months. He considered that the power which would be given to our colonists by this Bill was likely to involve us in disputes with foreign nations, against whom differential duties might be established by the colonial legislatures. Although he was of opinion that the principle of protection to native industry ought never to have been abandoned, yet as they had adopted the principles of free trade, he thought those principles ought now to be carried out to their fullest extent; and he therefore did not oppose the Bill on the ground that it removed protection. The noble Lord the Member for Lynn had said, that the manufacturers of this country had no wish to retain the navigation laws; but he could assure the noble Lord that the manufacturers were fully aware of the importance of maintaining our navy in a state of efficiency. He thought that the navigation laws should not be considered merely as a matter of wealth and commerce, but as connected with the safety and honour of the country. The effect of this Bill would be to enable the colonial legislatures to alter the rate of duties in such a manner as practically to create a monopoly against this country. He considered that the West Indian colonists should be allowed to import provisions and manufactures at as cheap a rate as possible; but he did not think they ought to be entrusted with the power of imposing differential duties, which might enable them to establish a monopoly against the mother country.

Mr. BRIGHT said, perhaps the noble Lord the Member for Lynn had been down in the manufacturing districts, and he had there picked up the information with which he had to-day favoured the House. He (Mr. Bright) fancied, however, if the real secret were known how the noble Lord had obtained his information, it would be found that he had derived it from the columns of the *Standard* newspaper. The noble Lord had stated, that in some parts of Lancashire, Cheshire, and Yorkshire—at Oldham, Stockport, Dukinfield, and other places, wages were falling; and that the reason given by the masters for a reduction was, that there had been a fall in the price of food. He had some acquaintance with the district to which the noble Lord had referred, and he could state his belief that there was no manufacturer within twenty miles of Manchester so lamentably ignorant on the subject as to make such a statement to his workmen. He had seen a paragraph in the newspapers on this subject. He believed the statement to be totally false; and he had never been able to discover any other foundation for it than that which was frequently the foundation of newspaper paragraphs—the very lively imagination of the editors. He believed that at no time within the memory of the oldest man in the district to which he had referred, had the population ever been more fully employed, or enjoyed greater physical comforts, than at this moment. The price of food was now low, and there was an abundant demand for labour. It was true that the state of trade was not so satisfactory as it might be. The noble Lord would admit, however, that during the existence of the Corn Laws, trade had frequently been in a state of great depression; and no advocate for the repeal of the Corn Laws had ever imagined that that measure would effect an immediate revolution in the state of trade. The noble Lord seemed to think it was no matter of wonder that trade should be bad, because the low price of corn prevented the agriculturists from purchasing manufactures. But how did it happen that trade was in so good a state in 1835 and 1836, when the price of corn did not average 40*s.* a quarter? If the farmers were able to purchase manufactured goods when corn was at 36*s.*, surely they were able to purchase now. He believed that the agricultural population were now in as satisfactory a position, and were able to obtain as large a supply of the comforts of life, as at any former period. The noble Lord seemed to flatter himself that a feeling of regret was entertained throughout the country at the repeal of the Corn Laws. He believed, on the contrary, that there was an almost unanimous feeling of acquiescence in the principles which had been adopted by the late and by the present Government. He (Mr. Bright) had cheered the noble Lord during his reference to the navigation laws, because he believed the principle which had been carried out with regard to corn and sugar, must eventually be applied to shipping. He (Mr. Bright) believed the shipowners would admit that, while the navigation laws had been a great hindrance to trade, they had failed to afford protection to the British shipowner. The noble Lord had said, that the past and present measures of the Government would create a panic in Canada; but, in his opinion, there could be few persons in Canada, except those who were very easily frightened, who could entertain any fears as to the ultimate result of these measures. The hon. Member for Birmingham (Mr. Spooner) anticipated that this Bill would occasion disputes between foreign countries and our own. He did not think that the colonists would embroil us in any such quarrels; and he was much gratified that this Bill had been introduced.

Mr. BERNAL considered that the hon. Member for Birmingham had not established any real and substantial objections against this Bill. The hon. Gentleman (Mr. Spooner) had stated, that, if this measure in its present shape was sanctioned by Parliament, the colonists would be able to impose discriminating duties against British goods; but the Chancellor of the Exchequer had expressed his readiness to introduce words to guard against that contingent mischief. He (Mr. Bernal) supported the Bill, because, as the colonists had been deprived of protection, he thought they ought to participate in all the advantages of free trade.

Mr. HENLEY considered that the Bill would not confer any great boon on the colonists, but that it would place a very objectionable power in their hands of establishing differential duties against the mother country. He thought that a measure of this nature ought not to be brought forward at this advanced period of the Session, when scarcely any Members of the Legislature, except the immediate Members of the Government, were enabled to express their opinions upon it.

Sir HOWARD DOUGLAS said, this Bill was a more immediate and portentous confirmation of his apprehensions of the gradual subversion of the colonial system, than he could have expected. That it would destroy the uniformity which ought to subsist in the commercial regulations of the Empire, under the paramount and exclusive authority of the Imperial Parliaments, and lead to constant and angry conflicts between the colonial legislatures and executives, and to frequent collisions between the colonial and imperial Parliaments. He had stated that the repeal of protection from the Colonies would, for all purposes of commerce, necessarily convert them into foreign States—that far from treating the Colonies as integral parts of the Empire, they would thus be placed in a middle state between the colonial and the foreign State, without having the advantages of either, in many important respects. We had withdrawn protection from the Colonies, and as a compensation for the loss of protection, proposed to give them leave to trade with all the world; but no foreign State would free trade with them, as British Colonies; and hence the disadvantageous position in which they were placed. He had received numerous communications on this subject from all those Colonies to which intelligence of the recent change had reached. He would not at present refer to these, but might on a future occasion call the attention of Parliament to this most important subject. In the mean time he might say, that, so far, the extinction of protection had produced very great dissatisfaction in Canada, and in British North America in general; and that very large concessions, extremely prejudicial to British interests, must be made, to endeavour to compensate for the injury which the withdrawal of protection must occasion. He had observed on a former occasion, that having converted the Colonies into commercial independence by allowing them to regulate their own commercial affairs, and these important possessions consequently not contributing more to British interests, as British markets, than if independent States, it would be a question of time, and of money, how long political connexion would survive commercial independence, however loyal and attached the people of British origin in Canada might be. Little did he think that the economic objection to pay for the defence or other expenses of the Colonies would be made so soon. But the great economist, the hon. Member for Montrose, had just observed, that having conceded to the Colonies the management of their own commercial affairs, and allowed them to have free trade with all the world, we should call upon them to pay all their own expenses. The first effect of these measures on the Colonies, and on Canada in particular, would be to place them in great financial difficulties, by the repeal of duties on foreign importations—an alternative to which they must resort as a consequence of withdrawing protection from their productions in the British markets. About four-sevenths of the revenue of Canada were derived from the duties on imports. The repeal of the corn duties, and of those on tea, sugar, leathers, and many others, would produce very great defalcations in the revenue; and it appeared that this was already sensibly felt. The serious consequences of these measures could not be more strongly shown than by the concessions already demanded as compensation for the advantages of which they had been deprived. From what he had heard, he believed it would be required, that the interest of the debt contracted for effecting internal improvements in the Canadas, should be remitted, or paid by the mother country: that the Canadas should be allowed to regulate wholly their commercial affairs independently of the mother country: that all duties on the importation of Canadian produce of every description into the United Kingdom should be absolutely repealed: that the navigation laws should be modified, and the navigation of the river St. Lawrence thrown open, to all foreign vessels. Thus, the next step, as they now distinctly saw and heard, was the abrogation or repeal of those laws, upon maintaining which the maritime power of this country depended. The hon. and gallant Officer adverted at some length to some details to show that, under the system of responsible government, and the powers conferred on local legislatures by this Bill, such alterations would be made in the scale of duties as would give great umbrage to foreign countries, and involve the mother country in serious difficulties and conflicts. He regarded this measure as the first step towards relaxations and anomalies in the commercial system and regulations of this country, which would ultimately deprive the Imperial Parliament of that control over the commercial affairs of the Colonies which he was prepared to show was indispensable to the maintenance of the colonial empire; and he, therefore, felt it his duty to record his opposition to this Bill.

Mr. M. GORE considered that the adoption of this Bill would involve the relinquishment by that House of the supremacy which it now exercised over our colonial dependencies.

Mr. NEWDEGATE thought the Bill a most important one as an infraction of principle; and by it the House abdicated its authority, in a measure, with regard to the Colonies. He thought the House would be justified in not consenting to accede to the measure. In looking to the principle that they were about to infringe, they ought to consider those upon whom the recent alteration in the Corn Laws would take greatest effect. He hoped the Government, at this late period of the Session, would not press a measure which would involve such a wide departure from all colonial principles.

On the Question, that the word "now" stand part of the Question,

Mr. ESCOTT conceived that the Bill was, under the circumstances of the case, quite proper, and not in itself of that importance which the opposition of the noble Lord the Member for Lynn would indicate. However, the opposition of the noble Lord imparted more importance to it. He referred to an after-dinner speech which the noble Lord had delivered either at a banquet at which the Duke of Rutland was present, or some other banquet, observing that that speech had given the noble Lord a power which he had not hitherto possessed; and in the present political state of parties in the country, the noble Lord's support of, or opposition to, any measure became important. The noble Lord's power had also been increased by the conduct of the Government within the last fortnight; but he would at present say no more on this point, because Tuesday would be the proper time to enter on the discussion. [The hon. Member was understood to allude to the Irish Arms Bill, which is fixed for discussion on Tuesday next.] The noble Lord had said that he would not fight a sham battle on behalf of the Colonies; but his Friends in another place had been doing so; and the people of England knew it was a sham fight from first to last in favour of that colonial protection which was well known now to be utterly untenable in principle.

The CHANCELLOR of the EXCHEQUER did not mean to state that in some future Session it might not be necessary to regulate the colonial trade by an Imperial Act; but when it was said, that this Bill violated a sacred principle, and that the British Constitution was sacrificed by it, he begged to remind the House that this sacred principle was only of twenty years' standing.

House divided:—Ayes 47; Noes 8: Majority 39.

List of the AYES.

Arundel and Surrey, Earl of
Berkeley, hon. Capt.
Bernal, R.
Borthwick, P.
Bright, J.
Brown, W.
Buller, C.
Byng, rt. hon. G. S.
Christie, W. D.
Courtenay, Lord
Cowper, hon. W. F.
Duncan, G.
Dundas, Adm.
Dundas, D.
Elphinstone, Sir H.
Escott, B.
Etwall, R.
Forster, M.
Greene, T.
Grey, rt. hon. Sir G.
Hatton, Capt. V.
Hawes, B.
Hill, Lord M.
Hobhouse, rt. hn. Sir J.
Howard, P. H.
Jervis, Sir J.
Labouchere, rt. hon. H.
Macaulay, rt. hon. T. B.
Maule, rt. hon. F.
Milnes, R. M.
Morpeth, Visct.
Morris, D.
O'Conor Don
Parker, J.
Pechell, Capt.
Rich, H.
Russell, Lord J.
Sheil, rt. hon. R. L.
Sheridan, R. B.
Tancred, H. W.
Turner, E.
Vane, Lord H.
Wakley, T.
Wilshere, W.
Wood, rt. hon. C.
Wortley, hon. J. S.
Wyse, T.

TELLERS.
Tufnell, H.
Craig, W. G.

List of the NOES.

Bentinck, Lord G.
Douglas, Sir H.
Gore, hon. R.
Henley, J. W.
Rolleston, Col.
Spooner, R.
Walsh, Sir J. B.
Yorke, hon. E. T.

TELLERS.
Beresford, Major
Newdegate, C. N.

Bill read a Third Time and passsed.

House adjourned at a quarter to Three o'clock.

HOUSE OF LORDS,

Monday, August 17, 1846.

MINUTES.] PUBLIC BILLS.—1$^{a.}$ Public Works (Ireland) (No. 3); British Possessions; County Works Presentments (Ireland) (No. 2); Public Works, Fisheries, &c.; Public Works Commissioners (Ireland).

2$^{a.}$ Fisheries (Ireland).

Reported. Naval Medical Supplemental Fund Society.

3$^{a.}$ and passed. Court of Common Pleas; Sugar Duties (No. 3); Militia Pay; Forms (Assessed Taxes); Poor Removal.

PETITIONS PRESENTED. From Guardians of the Wakefield Union, for Repeal of the Poor Law Act.—From Working Men of London, for the Promotion of Sanatory Regulations.—From George Drury, for the Better Observance of the Sabbath, and for the Prevention of the Sale of Intoxicating Liquors.—From Cork, for the Revision of the Burgess List.

COLLEGE OF MAYNOOTH.

LORD REDESDALE said, that in pursuance of the notice which he gave the other day that he should call the attention of their Lordships to the first report of a visitation held at the College of Maynooth, he would now trouble their Lordships with a few remarks upon it; and he could assure the House that in calling the attention of Parliament to the subject, he did so with feelings which were most friendly to the prosperity of that institution. He had supported the increased grant, and he was anxious that the institution should be improved as much as possible. He should wish to remind their Lordships that in all the arguments which were brought forward last year in favour of the increased grant to Maynooth, which was not very popular with the people of this country, no person ever said that the system of education which was then carried on at Maynooth was such as could be desired, but it was said that it should be revised and improved. Among other things it was particularly held out as an inducement to the grant, that an efficient visitation of the College would be held, that an alteration would be made in the visitors, and that whereas the visitation had been formal hitherto, an additional number of visitors would be appointed, in order that the object of Parliament in making the increased grant might be the better carried out. He had looked into the report which had been made by these visitors, and he was sorry to say that in every respect it was most meagre and unsatisfactory. It was not only imperfect, but inaccurate and contradictory in itself. If their Lordships would look at the report, they would see that it was divided into two parts, one of which was the composition of the visitors themselves, and the other a statement received by them from the President of the College. In the first part of the report the visitors stated that they—

> "Repaired to the College at eleven o'clock in the forenoon, and soon after commenced the proceedings of the visitation in the great hall of the College, where the superiors, professors, and students were assembled. The names being called over, 19 superiors and professors, and 522 students were in attendance. One professor was absent on leave, 11 students were absent on account of sickness; of the students 19 were Dunboyne students, 24 were of the first division of the first senior class, 68 of the second division of the said class, 65 of the second senior class, 97 of the third senior class, 70 of the class of natural philosophy, 81 of the logic class, 52 of the class of rhetoric, and 46 of the class of humanity."

Now, upon turning to the statement furnished by the President himself, he found that the total number of students in residence was reckoned at 512, though the visitors said that 522 students were in attendance. There was nothing, indeed, in the report to show how many students were resident, and how many non-resident. Again, it was worthy of remark that the sum specifically granted by Parliament for the superiors and professors of the College was 6,000*l.*, but the salaries which they received only amounted to 4,500*l.*, leaving an ample margin for the increase of professorships if found necessary. Nothing was said about the disposition of the surplus; and as to the number of students, the visitors stated that there were 250 in each class, while in the return made by the President it appeared that there were 257 in the first class, and 241 in the second class. No notice was taken in the report of any funds belonging to the College, other than those granted by Parliament. He did not know, indeed, whether the College possessed any other funds. One point that was of importance certainly did appear in the report, and that was, that the annual allowances of the Dunboyne students had been raised from 20*l.* to 62*l.* With regard to the accommodation which there was for the students in the College, it appeared that it was more ample than was generally believed. He regretted to find, however, that nearly 200 of these students, who had previously paid something towards the expense of their education, had been relieved from that burden. He did not wish to see the institution entirely conducted upon the principle of a charity; and he thought that the small sum which these students had been required to pay towards the defraying of a portion of their expenses, might have been well applied to the object of giving them a better education than they could now receive. The visitors closed the visitation at five o'clock in the afternoon, after an inquiry which lasted six hours; and in the last paragraph of their report they said—

> "As other accommodations are soon to be provided for the College by the bounty of the State, we do not deem it necessary to lay before your Majesty the result of our personal inspection, to which we have already briefly referred. But we feel bound humbly to represent to your Majesty that the state of the lecture rooms, and more especially of the rooms and accommodations for the lodging and keeping of the students, is such as to render it in our judgment most desirable that the new arrangements shall be completed with the least possible delay."

It was quite clear from this passage that the visitors wished to make the most favourable report which they could, and he hoped that the Government would stir up the managers of the institution; nay, he should almost hope that a special visitation would be ordered. He should wish to know whether any proceedings had been taken with respect to the buildings, for which 30,000*l.* had been voted last year. He must say that a six hours' visitation was not enough, and the report did not even state what might have been ascertained in that period. If there was dirt, let it be said that there was dirt, and let the parties be taught better habits, for no good ever could be expected from Ireland if the priests were to be taken from the lowest classes of the people, and had no higher taste for cleanliness than was exhibited in their own cabins and cottages.

The Marquess of LANSDOWNE said, that as the two visitors of Maynooth who were Members of their Lordships' House, (the Duke of Leinster and the Earl of Rosse) were not in attendance, it was not in his power to reconcile the discrepancies which the noble Lord had pointed out, and which certainly, upon the face of this report, did appear to exist. He hoped that the attention of Her Majesty's Government in Ireland, and of the visitors of Maynooth, would be attracted to the state of the College at no distant period, and that another and a fuller report would be presented. At the same time he must observe that the noble Lord had omitted to refer to one circumstance stated in the report, which had given him (the Marquess of Lansdowne) very great satisfaction indeed, as showing that the attention of the trustees had already been directed to one of the most material points the Parliament had in view when they voted the increased grant—namely, the liberalising of the system of education, by the establishment of three new professorships. He quite agreed with the noble Lord in thinking it highly important that proper cleanliness should be observed, and that the character of the young men educated in that institution should be raised by teaching them to respect themselves, and thereby inspire others with respect for them.

House adjourned.

HOUSE OF COMMONS,

Monday, August 17, 1846.

Minutes.] Public Bills.—1°. Ecclesiastical Patronage; Registration of Deeds (Ireland); Sale of Encumbered Estates (Ireland); Real Property Management (Ireland); Tenants for Life (Ireland); Registration of Births, &c. (Ireland); Leasehold Tenures (Ireland); Tenants of Corporate Bodies (Ireland); Pawnbrokers.

2°. New Zealand Government; New Zealand Loan Act Amendment; Court of Exchequer (Ireland); Customs Duties (No. 2); Tithes Commutation.

Reported. Naval and Military Departments; Rateable Property (Ireland); Medical Practitioners.

3°. and passed. House of Commons Offices; Contagious Diseases Prevention; Turnpike Roads (Ireland).

Petitions Presented. By several hon. Members, from an immense number of places, against the Spirit Licenses and Duties Bill.—By Mr. Wyse, from Clerks of Petty Sessions of the County of Meath, for Alteration of Law respecting Clerks of Petty Sessions (Ireland).—By Mr. Wyse, from Members of the Society for the Improvement of Ireland, irrespective of Sect or Party, for Inquiry into the Fiscal Regulations of England and Ireland.—By Viscount Ebrington, from the Honourable Newton Fellowes, of Eggesford, and from Occupiers and Owners of Land in the Parishes of Chawleigh and Eggesford, for carrying out the Tithe Commutation Act.—By Mr. Sharman Crawford, from Members and Adherents of the Church and Congregation meeting at Ebenezer Chapel, Hexham, Northumberland, against the sanctioning, by Votes of Money or otherwise, any further Embarkation of Troops from the United Kingdom to Foreign or Colonial Countries.—By Mr. Wakley, from Mayor, Justices, Aldermen, and Councillors of the Borough of Penryn, in the County of Cornwall, praying for the Abolition of the Punishment of Flogging in the Army.—By Mr. Wyse, from Regular Operative Ropemakers of the City of Dublin, praying the House not to entertain any Measure for Abolishing the Ancient Chartered Rights and Privileges of the Minor Guilds of Dublin until a Full and Free Inquiry has been instituted.—By Mr. Wyse, from Noblemen, Gentlemen, Clergymen, Owners and Occupiers of Land, and all others Inhabitants of the Town of Borrisokane, and from Bankers, Merchants, and Citizens of Dublin, for the Encouragement of Enterprise in Ireland.—By Mr. Sidney Herbert, from Ratepayers of the Parish of South Burcombe, in the County of Wilts, for Repeal or Alteration of the Lunatics Act and Lunatic Asylums and Pauper Lunatics Act.—By Mr. Wyse, from Officers, Committee, and Members of the Clonmel Mechanics' Institute, together with other Inhabitants of the Town and its Vicinity, stating that the Grant heretofore made by Government to the Royal Dublin Society has been wholly inadequate to supply the Demand for Lectures to the various Mechanics' Institutes in Ireland, and praying the House to take the Premises into consideration.—By Mr. Wakley, from several Medical and Surgical Practitioners, in favour of the Medical Practitioners Bill.—By Mr. Pusey, from John Malone, residing in Rutherglen, in the County of Lanark, for Alteration of the Poor Law (Scotland).—By Mr. Brown, from Members of the Liverpool Guardian Society for the Protection of Trade, and from the Inhabitants of Liverpool generally, complaining of the Mismanagement of the Post Office.—By Sir De Lacy Evans, from Inhabitants of the Quadrant, Regent Street, in the Parish of Saint James, Westminster, constituting the Committee of the Quadrant Improvement Association, for Removal of the Colonnade.—By Mr. O. Gore, from Booksellers of Oswestry, praying the House to refuse to Railway Companies the Power of Opening Parcels.

PROVISION FOR LADY SALE.

Sir DE LACY EVANS asked the First Lord of the Treasury what provision had been or was intended to be made for the widow and family of the late General Sir Robert Sale?

Lord J. RUSSELL did not believe that any provision had yet been made for the widow and family of Sir Robert Sale. With regard to any intention of making such a provision, it was impossible for him to advise the Crown on that point without means being first afforded by Parliament to Her Majesty to enable Her to carry out such an intention. When sitting on the other side of the House, he certainly did state that there were several cases of this description which he thought were deserving of serious attention. There was the case of the family of General Nott, for instance, and also the case of the daughters of General M'Caskill, who subsequently had received 50*l.* a year each. But at the same time he held that it was a matter for serious consideration whether Her Majesty should not ask Parliament, under certain rules and restrictions, for a sum that would enable Her to provide for the deserving relatives of these officers. Now he could not ask that in the present Session of Parliament, for it was not only necessary to ask for such a sum, but also necessary to bind the Crown with certain restrictions that would prevent its being given as mere patronage, or to persons who were undeserving objects. He could assure the hon. and gallant Gentleman, however, that the question should occupy the consideration of Her Majesty's Government. The noble Lord resumed his seat, but subsequently rose, and said, he found he was mistaken when he stated that no provision had been made for Lady Sale. He was not until now aware that 500*l.* a year had been granted to her; but that fact would not in any respect alter the general spirit of his answer.

CRUELTY OF THE TROOPS IN INDIA.

Mr. WARBURTON begged to ask a question of the right hon. Baronet the President of the Board of Control. In the *Stamford Mercury* newspaper, of the 15th of May last, a letter was printed, professing to be from private John Lunn, of the 80th Regiment, to his father, in Stamford. It related to the battles which lately took place, in India; and, after describing the battle of the 20th December, it proceeded to give an account of what took place on the subsequent day. And this was the passage to which he wished to direct the attention of the right hon. Baronet:—

> "On the succeeding morning we commenced maiming and shooting all the prisoners, which dreadful work occupied us nearly the whole of the day. On the 22nd we commenced our march," &c.

Now, if this were true, it was perfectly shocking; but he should wish to have from the right hon. Baronet, if possible, a contradiction of the statement. He (Mr. Warburton) had been given to understand that it was not correct; and he thought it was for the honour of the country that if possible the statement should be contradicted.

Sir J. C. HOBHOUSE: I quite agree with my hon. Friend that it is for the honour of the country—and not only for the honour of the country, but for the very safety of the country, that such a statement should be contradicted; and I am most happy to say, therefore, that there is not one word of truth in it—that there is not the slightest foundation for it whatever. My hon. Friend very kindly put the paper into my hands in which the statement appeared, and I find that it contains the most monstrous contradictions. So far from any atrocity of the kind having been perpetrated, the surgeons of the British army were actively engaged in taking care of the wounded Sikhs; and all the time they could devote to that purpose was so employed by them, to the great astonishment of the Sikhs, who had never seen such an instance of humanity before.

WITHDRAWAL OF THE ARMS BILL (IRELAND).

Lord J. RUSSELL: Sir, in rising to move the Order of the Day for going into Committee on the Public Works (Ireland) Bill, I wish to observe that there is another Bill before the House which has excited considerable attention, and in reference to which several hon. Gentlemen have given notices of Motion. I think it would be convenient to the House, therefore, that I should state the intention of Her Majesty's Government with reference to that Bill. The Bill I allude to is the Arms (Ireland) Bill, the second on the list of Orders of the Day. That Bill was introduced by my right hon. Friend near me, the Secretary for Ireland, upon the ground that Her Majesty's Ministers having but lately come into office, and having many other subjects pressing upon them at this time, it was desirable to obtain the renewal of the Arms Act until the next spring; in order that Her Majesty's Government might consider the whole of its provisions, to see whether any of those provisions were necessary, whether the system should be altogether abandoned, or whether any other provision should be introduced in its place. It appears to me that that was a reasonable proposition, considering that the system of having restrictions on the possession of arms in Ireland has lasted, not only for fifty years, to which I referred the other day in debate, but that in fact it has been in practice ever since the period of the Revolution of 1688. But when that proposition was made to the House, it appeared to many hon. Gentlemen that no such Bill ought to be renewed, without going into its various provisions, and considering whether or not they were such as should be continued. Many hon. Friends of mine, I found, were of that opinion; and I stated to the House, in the discussion upon the Bill, that I was willing to consider those provisions which I stated, when the Bill was last under discussion, were the most objectionable; and to withdraw those provisions from the Bill thus to be continued and re-enacted. But in examining the provisions of this Bill, when we had taken out that clause which relates to the "branding" of arms; and when we had taken out also the clause which relates to visits to houses in search of arms, other questions unavoidably occurred to the Government with regard to the provisions of the Bill. We found that it was impossible to consider certain provisions of the Bill, to see if these were objectionable, and not be obliged either to defend the other provisions of the Bill upon their merits, or to give them up altogether. Now, Sir, we could not contend that the Bill should be taken as a whole without looking into it, and considering its various provisions. But on looking into it in the way I have stated, we agreed that the registration clauses, being deprived of those more stringent provisions which were introduced to make those clauses more effectual, would be not tyrannical nor coercive, but useless and unnecessary, and calculated to interrupt the peace of the country. My noble Friend the Lord Lieutenant of Ireland, who is as well acquainted as any man with the usual course of proceeding in Ireland, and the various counties of Ireland, was of opinion that it was far better to dispense with the Bill, altogether, than to have it thus curtailed of some of its principal provisions. He declared to us that he was perfectly ready to undertake the government of Ireland without the continuance of these provisions. Now, Sir, such being the case, I will not say that I feel no apprehension as to the result of dispensing with this system of legislation which has lasted so long. I would much rather have had a longer time to consider it; and especially to consider whether those clauses which relate to the importation of arms had not better be continued, or amended at least, as parts of our legislation respecting Ireland; but as matters at present stand, having this alternative before me, either to dispense altogether with the provisions of the Bill, and allow it to expire, or on the other hand, to defend clause by clause the provisions of the Bill, which provisions I think unnecessary and useless, I think the former part of the alternative appears to be the preferable. Therefore, on further consideration, it is the intention of Her Majesty's Ministers to drop the Bill. Sir, in so saying, I must observe that I have had reference to what has recently come to our knowledge with respect to the state of Ireland. I find that as regards the trials on the circuits in Ireland, there has been no impediment to the administration of justice, and that the juries generally have done their duty; and likewise as regards another circumstance—I speak in reference to the reports of the constabulary—I find that during the last month the reports of grave offences by them are greatly decreased, and that the returns upon that point are extremely satisfactory. This gives me encouragement to hope that, when we part altogether with these restrictions, the future state of the country will justify us for having altogether dispensed with them. But at the same time I should say, as strongly as possible, that Her Majesty's Ministers can only consider their responsibility for the safety of life and property in Ireland as increased; that whatever measures may be necessary, either for the strict maintenance of the existing laws, or the enforcement of all the provisions of those laws for the maintenance of peace and security in Ireland, or, if it should unfortunately be necessary to demand extraordinary powers in order to preserve life and property in Ireland, Her Majesty's Government will not shrink from the duties which may be incumbent upon them; and that, believing and hoping it will be possible not to resort to extraordinary measures which will restrain the liberty of the subject, they still are determined at all events that security to life and property in Ireland shall not be diminished. Sir, I conclude by moving the Order of the Day for going into Committee on the Public Works (Ireland) Bill.

THE WELLINGTON STATUE.

Mr. C. BERKELEY said, he would not have ventured to intrude upon the House at such a time had not the conduct of Her Majesty's Government been such as he could not help disapproving. He was informed that Her Majesty, under the advice of his noble Friend opposite (Lord Morpeth), had signified to the committee of the Wellington statue that it was not her wish that the site which had been formerly selected should be occupied by the statue in question; but the noble Member for Lynn and the hon. Member for Shrewsbury, who had taken occasion to go into the country for the purpose of lecturing the people on the advantages of protection, during their progress came to Belvoir Castle, and there persuaded his noble Friend, in spite of the advice he had given Her Majesty, to allow the statue to be replaced. They had a right to complain of the conduct of the noble Lord. He had not displayed sufficient firmness in his decision; and even now, as he understood, he had not decided the question, for he was about to allow this monstrous absurdity, this piece of incongruity, to be placed on the arch for three weeks, to be pulled down again if not approved of. Who were to form the committee of taste to test the question? He would ask his noble Friend if he would lay on the Table of the House the whole of the correspondence which had taken place on this subject, in order that it might be printed and placed in the hands of the Members; and he gave his noble Friend notice, in case he was not disposed to do so, that he would move at the earliest possible period of next Session for their production. He would do so now, but that he saw so many of the Treasury hacks, who, however their opinion might coincide with his, would be obliged to vote against his Motion.

Viscount MORPETH was sorry the hon. Member disapproved of his conduct; but, with the permission of the House, he would briefly state how the case was. Since the last discussion took place on this subject, he could not conceal that he had used every means in his power to bring the matter to an issue, in accordance with the wishes of the House, of his hon. Friend, and the public; but the sub-committee had not thought themselves at liberty to accede to any offer of sites which had been made to them, and still placed reliance on the permission which had been formerly given them to place the statue on the top of the arch. Under those circumstances he had thought it the duty of the Government to accede to a proposal of the sub-committee to place the statue on the arch, on the express condition that if, after a short interval of time, it should not be approved of by the Government, who of course would take the advice of competent persons on the matter, the committee would replace the whole as it stood at present—that was, the committee undertook to remove the statue, and place it on the ground. As the correspondence to which the hon. Member referred was very protracted, and involved some controversy, and as the present arrangement had been the result, he hoped the hon. Member would not press his Motion, at all events until next Session.

SIR F. TRENCH said, the committee felt themselves bound to adhere to their former decision, and had determined, if not permitted to put it into execution, to absolve themselves from any responsibility whatever. The sub-committee found it very difficult to know how to act. All kinds of suggestions had been made to them by various persons; but he wished the House to bear in mind that the sub-committee had been all along influenced by a most anxious desire to meet the wishes of Her Majesty and of the Government, but had felt themselves compelled to fulfil their engagements to the public. They were equally convinced that the arch was the only fit place for the statue. The statue was made for the arch, not one-half of the subscriptions having been received till the arch had been selected as the place for the statue. He was convinced that the statue in that position on the arch would be the finest object ever exhibited; and he begged to return his thanks to Her Majesty and to the Government for having done them justice—and but justice—in giving them an opportunity of ascertaining the opinion of the public.

The EARL of LINCOLN understood that the statue was to be placed on the arch for three weeks. He was sure the public would be very glad to hear Her Majesty's Government was to sit on the arch—[*a laugh*]—but at the time when the statue would be so placed London would be extremely empty; and if they should approve of it, he hoped they would allow the scaffolding to remain a little longer, till the public returned to town. He thought their opinion would not be equally favourable.

The matter then dropped.

FLOGGING IN THE ARMY.

DR. BOWRING rose to ask the question of which he had given notice. He had heard with great satisfaction from the lips of the noble Duke at the head of the army that the time would soon come when corporal punishments should cease, and that he hoped to live to see the day when they would be altogether abolished. His question was—"Whether any instructions have been, or are intended to be issued, regulating the character of the instrument with which flogging in the army is to be inflicted, as regards the size, the weight, the length of the handle, the number and thickness of the cords or thongs, the size and number of the knots; also, determining what functionaries are to be charged with the infliction of corporal punishment, and what period of time is to be allowed between each blow; also, whether, in case the medical attendant shall certify that it would be dangerous to continue the flogging, any unapplied portion of the punishment is to be reserved for a second infliction; also, whether it is intended that the diminution to fifty lashes shall apply to the European and Native troops of the East India Company; and whether the Government will consent to make annual returns to Parliament of the corporal punishments employed in the army, the number of lashes, the offences for which inflicted, and by what species of court martial ordered?"

LORD J. RUSSELL: Sir, I shall not attempt to answer precisely and categorically all the questions which have been asked by my hon. Friend who has just sat down; but this I will say, that the noble Duke the Commander-in-Chief intends to do that which he has declared he will do, and does not intend to evade any declaration which he has made, either to this or to the other House of Parliament. Now it would be a complete evasion of the declaration we have received, if any system were adopted by which the violence of twenty-five lashes was so increased as to be as severe as 1,000 lashes. Corporal punishment will be inflicted as it was inflicted before; and any instructions or regulations as to the size and strength of the instrument will be given by the military authorities. As to the medical attendants certifying that the continued flogging of a man was dangerous, and the remainder of the punishment being inflicted on a second occasion, I do not think it is likely to be required with the present amount of corporal punishment, diminished as it will be in future. With respect to the diminution of punishment to fifty lashes being applicable to the European and Native troops of the East India Company, I may observe that they are regulated by articles of war of their own; but I have no doubt that when the opinion of the noble Duke is known, that similar orders will be given with respect to the Native troops in the East India

Company's service. There will be no hesitation in giving any return of corporal punishments, or the offences for which they were inflicted, without of course going into detail which may injure personal character. I beg the hon. Gentleman and the House to recollect, that when I stated what was to be done immediately on this subject, I did not state that it was a final and complete measure to be taken by the Commander-in-Chief. I said that the whole matter was under his consideration, and that he purposes, from time to time, to introduce such measures as will render this punishment less grievous; and when my right hon. Friend near me (Mr. Fox Maule) proposes the Mutiny Bill, I shall be enabled to state the nature of the measures to be taken on this subject. I can assure the House that it is not the intention of Government to say that fifty lashes is a punishment which every soldier can bear—but that corporal punishment will be diminished as much as possible, and that we hope to maintain the discipline of the army by other and by better means.

Mr. WILLIAMS wished to know if the same regulations were to be applied to the navy as to the army. He thought they were as necessary in the one service as in the other, and he hoped that both would be placed on the same footing. As the law stood at present, the captain of a ship could punish a man on seeing him commit an offence. It was evidence enough if the captain saw it; but in any other case the man would have to be reported by the officer, and an inquiry would be made into the circumstances.

Captain M. F. BERKELEY said, that no man could receive punishment on board a man of war without an inquiry, not in the cabin of the ship, but publicly and openly; and that no officer could inflict punishment without making a return of the punishment and all the attendant circumstances to the Board of Admiralty, who made a most close and searching investigation into each case, in order to prevent the infliction of improper punishment. Whenever this subject came before the House, he should feel it to be his duty—disregarding all popular outcry—to state the real facts of the case, and to show the House that it would be utterly impossible to carry on the discipline of a ship if they deprived the naval officers of the power of inflicting punishment. Let them put whatever restrictions they pleased on them, and on the exercise of the punishment; but he boldly and fearlessly asserted—and in that assertion would find the concurrence of the great majority of his brother officers—that they must not deprive a naval captain of the power of corporal punishment.

Mr. WAKLEY said, that after what they had heard in Parliament on this subject, the public were satisfied that the amount of punishment would not be much for the future. It was now known that a few lashes might be sentence of death. ["No, no!"] It had been so. It was known to have occurred at Woolwich; and he asserted it as his deliberate conviction, that more men had perished from the effects of the lash than from the halter. It was essential that there should be the most strict regulations as to the mode in which it was inflicted. While he was on this subject, he would refer to the remarks made by a noble Lord in reference to the late case at Hounslow. The noble Lord had felt it consistent with his duty to denounce the proceedings at the inquest—to denounce them as unjust. The inference that would be drawn from the remarks of the noble Lord was, that the jury were perjured. The noble Lord, knowing nothing of the case except from the reports, felt it to be his duty to denounce the conduct of the person presiding at the inquiry—an individual who could have no motive to act otherwise than rightly; and to denounce the jurors, who, as the noble Lord inferred, had returned a verdict not consistent with their oaths. It was not for him to say more than to express his deep regret that any noble Lord should have felt it to be his duty, with his incomplete and very imperfect knowledge of the facts, to denounce one of the public tribunals of the country. He would not say more than to intimate to the noble Lord, that, if he believed there was anything wrong, any dishonourable or unjust practices at that inquiry, he ought to move for a Committee of the House of Lords to inquire into the circumstances; and not give an opinion on the loose information he had received. He believed that no one had a right to complain of the conduct of the jury in that inquiry.

APPOINTMENT OF MAGISTRATES.

Lord G. BENTINCK rose to ask a question, of which he had given notice the other night, with respect to the appointment of a gentleman as a magistrate on the bench within the jurisdiction of the duchy of Lancaster, of whom it was said that some years ago he was convicted of committing a fraud on the Excise. He had forborne as yet to mention the name of the gentleman, in the hope that there might be two of the same name, and that the gentleman so appointed might not be the gentleman who was convicted in 1831, in the Court of Exchequer, in Westminster-hall, of a gross fraud on the Excise. The gentleman to whom he alluded was Mr. Thomas Gorton, of Tottington-park, in Lancashire, formerly a calico printer; and unless there was some mistake as to the identity of the person, the same individual who, after a series of years, having in his trade of calico printer practised frauds on the Excise, viz., forging the Government stamp, which was the indication that the Excise duty was paid on the article so stamped, was brought to trial in the Court of Exchequer, in Westminster-hall, and was convicted, as he believed, before Chief Baron Lyndhurst in the penalty of 800*l*. It would be in the recollection of the House that there was an excise duty on printed calico. When the duty was paid, the Government stamp was impressed on each article; but this gentleman was said to have forged the stamp of the Government and to have stamped his own calico, on which no duty was paid, thus entering into unfair competition with other calico printers. The defendant pleaded not guilty in the Court of Exchequer, a special jury was sworn, the whole number did not answer to their names, and a tales was prayed; but the defendant, finding himself quite unable to free himself from the guilt with which he was charged, withdrew his plea, pleaded guilty, and consented to a fine of 800*l*., which was paid to the Crown. This was the gentleman who had been selected by the late Chancellor of the Duchy of Lancaster as a man fit to sit on the magisterial bench. He believed it was through carelessness and through influence that the noble Lord the late Chancellor of the Duchy (Lord G. Somerset) had appointed so improper a person; but the complaint he had to make against the noble Lord, and which he made in the face of the country, was, that when the error was discovered, and notice given to the noble Lord that this gentleman had in former times been convicted of disgraceful forgeries and frauds on the Excise, he was not immediately removed from the commission. He might be told that there had been some private understanding that he would not seek to qualify; but that was not enough for that House—it was not enough for the country. Those private understandings would not do. It was a great honour to a man in that situation of life to be made a magistrate; and it was an insult to honest and honourable men to place side by side with them on the roll of the commission of the peace for Lancashire a person convicted of forgery and fraud on the Excise. That person should be forthwith removed from his situation in the commission; and the questions he had to ask of the noble Lord at the head of the Government, who was in no way responsible for this appointment, were, whether this was or was not the same gentleman so convicted in the Court of Exchequer at Westminster-hall, in 1831? and next, whether, if such were the case, it was his noble Friend's intention to permit him to remain on the commission of the peace for the county of Lancaster?

Lord J. RUSSELL: Mr. Speaker, I believe the noble Lord has correctly stated that a person, Mr. Gorton, was placed on the commission of the peace for the duchy of Lancaster by the noble Lord opposite when he was Chancellor of the Duchy, who had been convicted in 1831 of a fraud on the Excise. Lord Campbell found that he had been placed there; and my noble and learned Friend had a correspondence on the subject which I have not yet seen, but of which he has communicated to me the result. It appears that Mr. Gorton was placed in the commission of the peace without any solicitation of his own, and therefore Lord Campbell thought it would not be right to inflict that stigma upon him of removing him immediately from the commission of the peace, and that it would seem as if he had been placed there merely for the purpose of inflicting disgrace upon him. But my noble and learned Friend has taken sufficient precautions that he should not qualify, and that he should never act as a magistrate. As I have stated, I have not yet seen the correspondence; but when I have, I shall be able to give my noble Friend (Lord G. Bentinck) any further satisfaction he may require as to the facts of the case.

Lord G. SOMERSET hoped the House would bear with him, while he endeavoured to explain the circumstances under which this appointment had been made. He should apply himself simply to the facts of the case as they occurred, and to his own conduct in making the erroneous nomination—erroneous certainly, so far that he should have cleared up the point before he nominated Mr. Gorton, if he had not overlooked the information he had received respecting that gentleman. He was very sorry to detain the House on a matter of this nature; at the same time he thought it but right that he should state the whole of the case, when it would appear how far an error had been committed; and if there were an error, whether he had committed it from an improper motive. He could truly say, that during the several years for which he had held the seals of the duchy of Lancaster, he had taken infinite pains, as much as any of his predecessors, to prevent the nomination of improper persons on the roll of magistrates, always taking care to select the persons whom he thought most fit to administer justice, from their various dispositions and the incidents of their past life. In the present year an application had been made to him for the appointment of additional magistrates in Lancashire; he did not know the gentlemen who were recommended to him for nomination, of whom Mr. Gorton was one, but they were introduced to him by a letter from a noble Lord, lately a Member of that House, for whom he entertained great respect, and he was sure every hon. Member who heard him would agree that nobody could be more unlikely to recommend any other but respectable persons to him for a purpose of this kind than his noble Friend and relative the Earl of Ellesmere. His noble Friend stated to him that, owing to deaths and other circumstances, the magistrates of that particular district to which he referred were inadequate in point of number to the due performance of the duties which devolved upon them; his noble Friend explained to him exactly how the case stood, and presented to him a memorial signed by many respectable persons, praying for an increase in the magistracy. His noble Friend also mentioned to him the names of several individuals who might be appointed, only one of whom was known to him (Lord G. Somerset) by name. He was not contented with the general assertions or statements made to him, both verbally and in writing; but he consulted a gentleman of great respectability, whom he was very often in the habit of consulting, and who, from peculiar circumstances, had much local knowledge—whose name, if he were to mention it, no one would gainsay, but he would not mention it—begging his opinion as to the general fitness for the magistracy of the persons they named. That individual wrote to him in the month of February in terms of strong recommendation with respect to Mr. Gorton. He had also recommendations of the same gentleman from other quarters. Owing to accidental circumstances he deferred making any nomination much longer than he intended; and before he made the nomination at the end of April, information was given him by the Chairman of the Board of Excise, warning him against this person. He made a memorandum against the name, and when, a fortnight or three weeks after, he looked over the books with a view to making the nominations, he referred to the document; but by some oversight or another he did not see Mr. Gorton's name included in it. This was the cause of the error; but so far was he from being aware that he had fallen into the mistake, that when Mr. Wood mentioned to him what he had done, he said in the strongest terms that he had not. However, on reference to his papers, he found that he had actually fallen into it. He admitted that before nominating Mr. Gorton, he should have made himself acquainted with the circumstances of the case; and if he found that gentleman to deserve the imputations cast upon him, then, however much he might regret the necessity of coming to such a determination, after the lapse of so many years, he should have considered it his duty not to nominate him as a magistrate for the county. He had received another letter which induced him immediately to take measures to ascertain from Mr. Gorton himself, what foundation there was for the charge against him. He should read to the House the answer he received from that gentleman:—

"Tottington Hall, June 27, 1846.

"Sir—I have to acknowledge the receipt of your letter of the 26th instant.

"In answer to the allegation against me, that about the year 1831 I was guilty of having forged the Excise stamp on printed calicoes, I shall state the circumstances, and his Lordship the Chancellor of the Duchy will then be able to judge how far the charge can with justice be made against me.

"Previous and up to 1831, the printworks of myself and partner had been surveyed by two excise officers named Wallplate and Ball. Wallplate was a man of exceedingly drunken habits, and committed a great many errors in affixing what was called the frame mark to calico pieces before they were printed, and in numbering such mark; many of his errors were discovered and rectified, and some, in all probability, never were noticed.

"In the early part of 1831 the general examining officers attended, as was their custom, at our works, and detected some of those errors. A short time afterwards, without any previous communication, we were served with a writ, at the suit of the Crown, for the recovery of penalties to which, if we were liable at all, we were liable by reason of the negligence of the officers of the Crown.

"Both my partner and myself were, and are at this moment, entirely ignorant that we had subjected ourselves to any penalties, and we defended the action which stood for trial in the Court of Exchequer, in Easter Term, 1831; when in an unfortunate moment. after the jury were sworn, our attorney suffered himself to be overruled by the persuasion of his counsel, and submitted to a verdict against us.

"In order that his Lordship may have the whole charge and our defence before him, without any concealment or evasion, I take the liberty to foward herewith one of the briefs which was used by counsel on what should have been the trial, and I beg particularly to ask his Lordship's attention to the evidence of Samuel Scowcroft—a man who had then the exclusive management of that portion of our business for several years. He is still living, and will depose to the facts, but has left our service many years ago.

"I beg to apologize for troubling his Lordship with so long a case; but as the conduct through life of my partner and myself have been such as will bear the most searching scrutiny, I feel assured that, after a lapse of fifteen years, his Lordship will not, without mature consideration, degrade me and my family by depriving me of the honour, unsolicited on my part, which has just been conferred upon me, for that of which I am perfectly innocent. Although I have taken the oaths of a magistrate, I have not yet qualified, and my future proceedings in that respect will of course be regulated by his Lordship's determination.—I have, &c.

(Signed) "THOMAS GORTON.

"Frederick Dawes Danvers, Esq.,
Duchy of Lancaster."

At the time of receiving this letter, he (Lord G. Somerset) was holding office only during pleasure, and it seemed to him quite impossible that during the forty-eight hours for which the term of his official existence might be protracted, he could institute any inquiry into the facts referred to. He thought it would be an act of great injustice towards Mr. Gorton if he were to do so, and he did not therefore look at the brief which had been sent to him, nor communicate it to the Excise or the Solicitor of the Crown. He had thought that the noble and learned Lord who had succeeded him, having been Attorney General for many years, and having the advantage of much greater experience, could decide as to the character of this gentleman with much greater propriety than himself. He had now placed the whole facts before the House; he knew nothing of Mr. Gorton except from the information which he had received; but he had been informed from other quarters that Mr. Gorton was a person holding a most respectable station in society, and well fitted to discharge the duties of the magistracy. As to the advice which he had received in the first instance, he could say no more than that the names of several gentlemen having been mentioned to him, he had submitted them to the individual to whom he alluded. Some of these gentlemen, according to the opinion he received, would be unfit for the magistracy; and though he (Lord G. Somerset) knew them personally, and would have been glad to put them on the bench, he abstained from nominating them, because circumstances were stated to him which he thought rendered them unfit. He was extremely sorry that he had overlooked the information subsequently received; but he could not say that he took any blame whatever to himself for having left the matter undecided when in office, no time remaining for him to consider the case. Having explained to the House how the whole matter stood, he should leave it to them to judge whether any improper motive could be attributed to him; he did not consider himself guilty of having done more than commit an error which any one might have made. He could not approve the soundness of the noble Lord's (Lord G. Bentinck's) judgment in speaking as he had done; but at this moment he would not express any opinion on the propriety or impropriety of Mr. Gorton being a magistrate, because he had not looked fully into the case.

House in Committee on Public Works (Ireland) Bill No. 4.

Order of the Day read.

DISTRESS IN IRELAND—MEASURES OF RELIEF.

LORD J. RUSSELL: Sir, it is with great pain I rise to call the attention of the House to the present state of the distress in Ireland; and in doing so, I shall consider it my duty to refer to what has been done in the course of last year, and the spring of this year by the late Government on the subject of the failure of the potato crop; and whatever sorrow I may feel in having to bring this subject before the House in the present state of the crop in Ireland, yet I shall endeavour in doing so to avoid any subject which can give rise to any party division or excite any feelings of animosity. The Committee may recollect, that towards the end of last year considerable alarm was felt with regard to the state of the potato crop in Ireland, and also in some parts of Scotland. I think it necessary to state that alarm was felt to a great degree, if not a greater degree than usual, of an apprehended scarcity; and I shall state three circumstances which were calculated to inspire the public at large with that feeling. The first is, that potatoes being one of the cheapest and lowest of all kinds of food, on a failure of the crop of potatoes, which is the chief article of nourishment for the great mass of the population, there is no kind of food of a cheaper kind that the population could have recourse to. That is the chief distinction between a country in which the population lives on potatoes, or any cheap sort of food, and a country in which the population is chiefly fed on wheat, or some higher description of food. Another circumstance is this, that the disease in the potatoes is, to a great degree, unknown. No one can tell to what extent it might be carried. If the crop of wheat or barley fall off, we can, within six weeks or two months after the harvests, pretty well ascertain what is the deficiency, and how much remains; conclusions are easily made as to the quantity of food which remains for sustenance of the people, and what supplies are required. The third circumstance which I have to mention, and which is connected with the first which I stated, is, that a great portion of the people of Ireland are in a state of very great poverty, verging upon destitution. This has been ascertained and stated by repeated statistical documents which have been laid before Parliament. The Report of the Commissioners of the Poor Law Inquiry, the Report of the Land Commission over which Lord Devon presided, and the Report on the Census, all show how great a portion of the people of Ireland live in a state of extreme poverty. In fact, they do not receive wages which enable them to pay for the food which they require. They receive wages only during a portion of the year, and these very low in amount, and during a considerable portion of the year they are fed upon potatoes of a very inferior kind, which they themselves crop, very often by an agreement on what is called the conacre system, with a farmer in their neighbourhood. Above them there is another class who, although farmers, are very little better off than those I have just mentioned, and who, when there is any extraordinary pressure of want, are unable to afford out of their means and substance maintenance or wages to those below them. These three circumstances were calculated to make the Government of the country look with very considerable alarm at the prospect before them; and—I am not now adverting to any other measure than those they thought it necessary to take—they took measures in their opinion directly applicable to these evils. The first measure they took was by a minute of the Treasury, of the 9th of December, to order a quantity of Indian corn, amounting in money to 100,000*l.*, to be purchased by the house of Baring & Co., either in the ports of this country or from foreign countries. With respect to this measure it is to be observed, that it was very wisely, and likewise with great good fortune, for a long time kept a secret both here and in Ireland. The arrival of this supply was not known; so that when it did come it had both a much greater effect in relieving the people of Ireland, whose expectations were not raised by the prospect of its arrival, and had a much less injurious effect in disturbing the regular trade of the country than might have been expected otherwise from this measure. There is another measure to which the Government resorted; and that was, to grant donations in aid of subscriptions. Subscriptions were collected in Ireland to a large amount, and from some of the very poorest farmers in the country. These subscriptions and donations amounted to a sum exceeding 100,000*l.* There was another measure which was introduced at the commencement of the Session, to the effect that public works should be presented by certain authorities to the barony or county sessions, who were empowered to make such works, provided one-half of the expense of such should be made by advances to be repaid, and the other half by grants from the Treasury of the State. Another measure which was proposed and carried in this House was, that general presentments should be made for the purpose of executing public works of which the whole expenses should be repaid. The general amount of money for all these measures is stated in the book which was lately presented to this House, called *Correspondence relative to the Measures for the Relief of Distress arising from the Failure of the Potato Crop in Ireland.* The first item is the purchase of Indian corn and oatmeal, and freight, grinding, and other expenses connected therewith, amounting to 185,432*l.* The second item is sums issued as donations in aid of subscriptions made by relief committees, amounting to 67,911*l.* The third item is works authorized to be executed under the Act 9 Victoria, c. 1, if required, for the relief of urgent distress—of which one-half is to be repaid—amounting to 452,727*l*. The fourth item is sums authorized to be advanced, if required, under the Act 9 Victoria, c. 2, and of which the whole is to be repaid, amounting to 133,536*l*. The fifth, sixth, and seventh are smaller items, granted for the employment of the people in cases of great emergency, and other purposes. The whole amount of the expenditure is 852,481*l*., of which there is repaid, or to be repaid, 494,851*l*. The sum which has been granted or expended, without expectation or intention of repayment is 357,630*l*. Now, with regard to the evil which this large expenditure was intended to meet, and with respect to which a great deal of information will be found among the voluminous correspondence which has been presented to the House—with respect to that evil it will be found that, as might be expected from what I have already stated, its amount was differently calculated at different times, and that in fact it has not as yet been completely ascertained. The first account, which you will find in the first page of this volume, stated that upon the whole, taking the four provinces of Ireland, the loss of the potato crop amounted to one-fourth. It was afterwards stated by Colonel Macgregor, that he estimated the loss to be not above one-eighth; and the calculation of the Commissioners who were sent to Ireland to investigate the matter, was, that the loss amounted to one-half of the whole crop. As I have stated, it is very difficult to ascertain what is the real amount of the evil; but I think the House will believe that there has been a very great failure of the potato crop, and that the disease has been destructive to a great portion of the crop of 1845. Now, this is a disease which was not peculiar to Ireland or Scotland last year; but was experienced in various parts of the Continent of Europe, and likewise in various parts of America. I have before me various statements, some of which were made in 1840 by directions of the Congress of the United States, and others were made in answer to a circular which had been issued by the Colonial Office here, from which it appears that this disease, which for some years has been known in America as the "rust in the potatoes," first appeared in 1832, in consequence of which a considerable portion of the crops was lost; and that, in 1845, it was more destructive than it was ever known to have been before. With respect to the measures which were taken by the Government to meet this evil, and of which I have just stated to the Committee the cost, I think we may say, upon the whole, that their effects have been in Ireland exceedingly beneficial. There are contained in this volume various accounts of the effects which have been produced by the different measures to which I have alluded. They show that in places where the people have been deprived of food and employment, food and employment were afforded; that in other places where the people were almost in a state of despair, so far from there having been any outrage, peace and tranquillity have been preserved, and those feelings of fear which arose from distress, changed into feelings of satisfaction and contentment. One of the letters to which I allude is from Mr. E. Russell to Mr. Radcliff. It refers to the county of Clare, in which county there was a greater number of persons employed than in any other county in Ireland. He says—

> "The works, considering the materials with which we have to work, are progressing, except in very few instances, satisfactorily; and I may add, that the works undertaken have been works of public utility. Distress would at this moment be general thoughout the country, were it not that the Government have by means of the public works rescued the people from the deadly grasp of starvation which threatened them; and I am happy in having it in my power to state, on the best authority, that the poor people of Clare were never so well provided for as they have been this season. There are some localities where distress pressed with some severity, but was in most cases promptly relieved; and I believe I could say with confidence that there has not been a single case of starvation throughout this county, and there are fewer cases of sickness, particularly fever, than for many years past. I have heard this remark made by the Roman Catholic clergy throughout the entire county."

In this book there is also an abstract of the number of persons employed by the Board of Works in the various counties in July last, from which it appears that in Clare the number was 102,130 for each day's work. The measure of providing Indian corn seems especially to have afforded very considerable relief. It is to be observed that this measure of Government introduced a greater quantity of food into Ireland than in all probability would have been introduced had not that measure been taken, at least at that time; but beyond this they provided a kind of food which, after a short experience, and some prejudice having been got over, has proved a most nutritious food, and, at the same time, is sold at a reasonable rate. It has been sold, in various instances, as these papers show, at 10*l.* a ton, and by retail at 1*d.* a pound. Now, a pound of Indian corn is quite sufficient to provide sustenance for a strong-bodied labourer for a day. With respect to the donations, likewise, I have to state that these donations did bring out the large amount of subscriptions to which I have already alluded. These subscriptions were made by all classes of persons. They evinced the readiness of all classes in Ireland to relieve the existing distress. Of course I shall not enter into the invidious question whether individuals contributed who ought to have contributed under the circumstances. But I must say that the various accounts seem to show that large subscriptions were received from nearly all persons who were able to afford them. It is likewise so be observed that the amount of subscriptions was no test of the charity which was afforded. Persons of the largest property generally undertook works which gave employment to the people; and as the payment for these came out of their own resources, of course no account was given of them to the public, although they materially contributed to the relief of the people. With respect to the works for which sums were advanced in cases of great emergency, there has likewise been the greatest relief afforded from this source. But it was impossible for the Government and the Legislature, in endeavouring to meet the alarming cases of distress, and to get over the period of the year from December to the gathering in of the harvest in August, when there is much employment of the people in harvest work—it was impossible to preserve them as they have been preserved, from deficiency of food, affording to them due employment, preserving the peace of the country, and, at the same time, affording the satisfaction which must be afforded by the spectacle of the Government and the Legislature of the United Kingdom, so far from being indifferent, eager to supply the necessities of the people—I say it is impossible to produce this great result without some very serious concurrent evils. In the first place, I think that the supply of Indian corn in the emergency which happened, was a measure of great prudence; but if it were to become the established practice for the Government of this country, out of the resources of the Treasury, to purchase food for the people, and that this food should be sold by retail at a low price, it is evident that trade would be disturbed; that the supplies which are brought to us by the natural operations of commerce would be suspended; that the intermediate traders who deal in provisions in local districts would have their business entirely deranged; and that Government would find themselves charged with that which it is impossible they can perform adequately—I mean, the duty of feeding the people. With respect to many of the public works, for which advances were granted, although they were in themselves useful, yet the effect was that ordinary work was abandoned, and that the public works were sought in preference to other works, so that here again the ordinary operations of industry were disturbed. In a letter from the Commissioners of Public Works to the Lords of the Treasury, it is stated that—

> "From personal inspections of some of the works in progress, the Board discovered that many individuals were employed who had not been supplied with tickets. Instructions were immediately given to put a stop to such improper and irregular proceedings, which became the more necessary as we experienced the injurious results of it. The great public works of the improvement of the Shannon and drainage were left without workmen; and, strange as it may appear, men who were, by measurement, earning 1*s.* 6*d.* and 1*s.* 7*d.* a day, quitted these works to take employment on the relief roads at 9*d.* a day."

Now there was not only the effect of the ordinary farm labour being left for the public works, where, though they received less money, the work was easier, but in many instances great numbers of persons were sent to the works by gentlemen who distributed tickets without proper inquiry, and in this way persons were employed who ought never to have had employment from the Board of Works. Then, again, many of the labourers who have hitherto been in the habit of coming to England and Scotland to the harvest, finding they could get work close to their own doors with sufficient to maintain them, abandoned the idea of resorting to England and Scotland, and the consequence has been that in many portions of the north of England, and in Scotland, the harvest has been delayed from want of labourers, and I believe that a great deal of the food of the country has in this way been lost. In a letter from Major Simmonds to Mr. Trevelyan, dated the 4th of the present month, he says—

> "Nothing can be finer than the corn crops now being cut, but slowly, I am told, for want of labourers, resulting, it is to be feared, from the injudicious continuance of public works, as well as in the mismanagement of some committees, in not

gradually withdrawing relief from persons able to work."

These are injurious consequences, which are so far inevitable from the large employment given by these public works, especially as the emergency was unexpected, the measures which were taken sudden, and carried into effect, of course, by persons who had not previously had experience in that country. This is always the case when employment is given by way of public charity, and not from the regular and wholesome demand of the public. Instead of a fair day's wages for a fair day's work, you have an unfair day's wages for an unfair day's work. The persons employed in conducting public works finding that labourers came to them rather than take private employment, reduced the wages to 6*d.* and 5*d.* a day; and the labourers finding that they were not paid more, did not work so effectually, and, in fact, did not give work that was worthy of the wages. Such are the evils which are necessarily consequent upon this kind of employment. There have, of course, been many other irregularities from this extraordinary measure. But I am sorry I cannot say that which any one in my situation would wish to be able to say, that this extraordinary remedy had put an end to the extraordinary evil, and that the time was come when we could go back to the ordinary rules which should govern our proceedings, and leave the demand for labour uninterfered with and underanged by any public measures. This time, however, has not come. I am sorry to be obliged to state that although there is at present in the greater part of the counties of Ireland harvest work sufficient and wages sufficient for the support of the labouring population, yet the prospect of the potato crop this year is even more distressing than last year—that the disease has appeared earlier, and its ravages are far more extensive. Sir, I have here some papers which have been furnished me by the Lord Lieutenant of Ireland. They are private letters, and contain statements which have been confirmed by letters I have myself received, and by letters that have been received by my right hon. Friend near me, and by the statements in the public newspapers. Here is one from Lord Shannon, in which he says—

"I regret to say that the destruction of the potato crop is proceeding more rapidly than could ever have been expected. It is the same with my own, which have had the benefit of the best care and draining in the cultivation. They are now completely destroyed. Already the small farmers are assembling in great numbers, and I am sorry to say I very much doubt whether the same sums could again be collected which this year supplied the relief committee. I do not think that there will be a potato within reach of the labouring classes by next Christmas. Those which they are now eating are most unwholesome and unfit for human food. Within my recollection the prospects of this country were never so awful, and even in the most peaceful districts I can conceive that there may be the most fearful consequences among the labouring classes."

I have also a letter from Lord Enniskillen, addressed to the Lord Lieutenant, and dated from Florence-court. Lord Enniskillen says—

"It is my painful duty to write to you on the state of the county of Fermanagh, and of that part of the county of Cavan which borders upon it. Till within the last three weeks the potato crop was most promising; but the disease has since broken out in it with such violence, and so universally, that there is no prospect of a potato in the county at Christmas. My own fields are as bad, if not worse than those of my neighbours, although they have had all the advantage of good drainage. I consider it my duty to report the fearful state of the county."

I have also a letter from Lord Bernard (as we understood) to the same effect, and stating the resolutions which had been come to in consequence in the Bandon Union. The accounts from the north and from other parts are equally bad. Here is a letter addressed by Colonel Jones, from Galway, to Mr. Redington the Under Secretary. He says—

"I beg leave to report to you the result of our examination of the potato crop in Athlone. We proceeded in the direction of two lines diverging from the high road between the two towns mentioned. My attention was directed to the appearance of the potato ground, and the result of my observations was that there was scarcely a field that had not received the blight. It was easy to see this by the state of the stalks which were blackened. But we also entered a great number of fields, and had the roots taken up; in almost every case the tubers were diseased. The conclusion to which I have come, is that the crops for the present year will have lost three-fourths of their produce. The wheat crops are already under the sickle, and are very fine. The oats will be in in about ten days, and they also are very good crops. It now becomes my duty to state to you the condition of the relief works, and what I think it would be necessary to do in consequence. In consequence of the farmers paying higher wages just at present than the Board of Works, the number of persons employed on the public works, is much decreased. An order has therefore, been made, that if labourers do not present themselves within a given time, those works shall be stopped which have been deserted by the workmen. But I have every reason to believe that as soon as the crops shall have been finally gathered in, which will be in about ten days' time, there will then be a general rush for employment on the public works, and great evils will ensue if there should not be employment."

And, Sir, the accounts from Sligo, from the south of Ireland, and from various parts of the country, all concur in representing the disease as being this year more fearful than it was in the last. The accounts in the newspapers from their various correspondents are to the same effect. Sir, it has, therefore, become our duty to consider in what manner we should propose to Parliament to make provision for some employment for the labouring people of Ireland—proposing that to Parliament for which we require the direct sanction of Parliament, and at the same time affording to the Government a discretion to take such measures as any emergency may in their opinion render necessary, of which measures they would afterwards give an account to Parliament. Sir, it has appeared to us, with regard to the first measure to be adopted, that while there ought to be public works, and those public works ought to be undertaken under due control, we should not, with regard at least to the general measures proposed, defray the cost of those works by means of grants, but by loans, to be repaid by the baronies and the counties in the districts for which they are granted. We, therefore, propose to introduce a Bill to this effect, that the Lord Lieutenant shall have power, on recommendation made to him, to summon a barony sessions or a county sessions for works for relief of the poor. When those sessions shall been assembled, they will be empowered and required to order such public works as may be necessary for the employment of the people and for their relief. I say, " empowered and required," because it is intended that it shall be incumbent on them, on being summoned to those sessions, to order those works. The choice of the works will be left to them, and they will be put in execution by the officers of the Board of Works. When I say that the choice will be left to them, I mean that they shall point out the works which they consider necessary, but the approbation of the Government will be required, that is to say, of the Board of Works, before those works can be finally undertaken. It is further proposed, that advances shall be made from the Treasury, for the purposes of those works, to be repaid in ten years at 3½ per cent interest, the lowest rate ever taken for works of this kind. The whole amount so advanced by the Government will, however, have to be repaid. I should also state that in levying for the repayment of the money, and for the interest, those levies will not be made according to the assessment for the county rate, but according to the assessment for the poor rate. So that owners will be obliged to pay their proportion as under the poor-law assessment, and the poor occupiers will be, in a great measure, relieved from the assessment. I should add, also, that we propose to provide for another case—that of the very poor districts, where it would be impossible that the money should be repaid. We propose that there should be a grant, by Act of Parliament, of 50,000*l.* for the purposes of such districts, where works shall be provided by the Government to be undertaken only on the ground of their being works of public utility, and of the districts being so poor as not to be able to undertake the expense of such works. In some such cases works of the kind have been undertaken. One case of the kind is stated in the correspondence, where, in consequence of the poverty of the district, a subscription to only a certain amount was taken, and a larger amount was given by the Government than the Act of Parliament authorized. The Bill to be introduced for the purpose will be similar to many other Acts of the same kind. The 1st Victoria, c. 21, is that which we propose to follow. We also propose that there shall be commissariat officers stationed in different parts of Ireland, who shall be in correspondence with Sir Randolph Routh, and who shall, from time to time, communicate with him on the state of distress in their several districts. Having already stated the evils which have in practice arisen from interference by the Government with the supply of the public food, I have only to add that we do not propose to interfere with the regular mode by which Indian corn and other kinds of grain may be brought into the country. We propose to leave that trade as much at liberty as possible. But there may be particular cases, as there were in 1836 and 1839, where, in consequence of the part of the country where the famine prevailed being very inaccessible, it became necessary to employ the commissariat officers. As a general rule, however, we still take care not to interfere with the regular operations of merchants for the supply of food to the country, or with the retail trade, which was much deranged by the operations of last year. With regard to relief committees, we propose that they should for a time be constituted, taking care to avoid those errors which have hitherto ensued from want of experience, and guided by the lights we have received from the practice as hitherto established. In particular, we shall endeavour to avoid the giving of tickets, by members of the relief committees, to persons who are not in need of relief. I should add that all the officers to be employed in the commisariat, and those employed by the Board of Works, will be paid by the Government for the services they perform. And here I feel bound to say, that the correspondence on the Table, and everything I have heard from private sources, show that there never was work undertaken with more zeal and intelligence, and with a more earnest desire for the relief of the prevalent distress, than that which was undertaken, last year, by the persons employed by the Government in this affair; that, whether I have to speak of that most intelligent officer Sir Randolph Routh, or of Colonel Jones, or of the officers of the Board of Works, whose correspondence is in these papers, or of the local persons employed; and likewise, generally speaking, of the relief committees, there has been shown the utmost desire to give all their time and attention to the relief of distress, and likewise to endeavour as much as possible to afford every light to the Government, by which abuses might be averted, and permanent inconvenience might not be produced. With these objects, Sir, I shall propose, first, that a sum shall be voted to defray the expenses already incurred, then a vote for direct advances by Exchequer Bills for the purposes stated, and also that grant which I have mentioned for those districts which may speedily require it. Sir, as I stated at the commencement, this is a special case, requiring the intervention of Parliament. I consider that the circumstances I have stated, of that kind of food which constitutes the subsistence of millions of people in Ireland, being subjected to the dreadful ravages of this disease, constitute this a case of exception, and render it imperative on the Government and the Parliament to take extraordinary measures for relief. I trust that the course I propose to pursue will not be without its counterbalancing advantages; that it will show the poorest among the Irish people that we are not insensible, here, to the claims which they have on us as the Parliament of the United Kingdom; that the whole credit of the Treasury and means of the country are ready to be used as it is our bounden duty to use them, and will, whenever they can be usefully applied, be so disposed as to avert famine, and to maintain the people of Ireland; and that we are now disposed to take advantage of the unfortunate spread of this disease among the potatoes, to establish public works which may be of permanent utility. I trust, Sir, that the present state of things will have that counterbalancing advantage in the midst of many misfortunes and evil consequences. I know not that I need detain you any longer, than to assure the Committee and the House, that we consider that our predecessors in office did show a very laudable anxiety to meet the evil—that the remedies they applied were suited to the occasion—that we shall endeavour to imitate the spirit in which they acted, while we shall endeavour to take advantage of their experience to correct errors which were inevitable in consequence of such unforeseen difficulties. The noble Lord concluded by moving the first of the following Resolutions:—

"1. That the Commissioners of Her Majesty's Treasury be authorized to direct the issue, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or the issue of Exchequer Bills, of any sum not exceeding 175,000*l.*, to be made by way of Grant, and of any sum not exceeding 255,000*l.*, to be made by way of Loan for Public Works for the Relief of Distress in Ireland

"2. That the Commissioners of Her Majesty's Treasury be authorized to direct Advances to be made by way of Loan out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or by the issue of Exchequer Bills, to defray the expense of Public Works presented for in Ireland, to facilitate the employment of the labouring Poor.

"3. That the Commissioners of Her Majesty's Treasury be authorized to direct the issue of any sum not exceeding 50,000*l.* out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or by the issue of Exchequer Bills, for the purpose of aiding in the execution of Public Works of acknowledged utility, in such districts in Ireland as are too poor themselves to bear the whole expense of executing such works."

The CHANCELLOR OF THE EXCHEQUER said, he would take that opportunity to read one of two letters he had received that morning, and which he believed would be satisfactory to the House. He might, however, state, in addition to what his noble Friend had said, that it was not the intention at all to import food for the use of the people of Ireland. In fact, many merchants had declared that they would not import food at all if it were the intention of the Government to do so, and unless the Government would given such an assurance. The letter which he would read afforded every ground for believing that the Government were taking the right course, and that there was every reason to hope that the food of the people would be provided by private importation. This was the letter:—

> "Liverpool, August 15, 1846.
>
> "Dear Sir—I think it right to mention to you that I am informed by some of the leading merchants in the corn trade that very large orders for Indian corn have been sent out to America, and they are now being sent out to an unprecedentedly large extent, for the supply of Ireland, the vessels, in many cases, being chartered to call at Cork or Falmouth (as the wind may serve) for orders.
>
> "Indian corn has also been ordered, to a great extent, from Trieste, Corfu, and other ports in the Mediterranean. The trade in Indian corn being now quite free, it is hoped that Government will not interfere with the regular operations of commerce, as they did last year, when, owing to commercial restrictions, the Government alone could make the importation.
>
> "The supply of Ireland may now be safely left to the merchants, who will manage the transaction much more economically that can be done by the Government.
>
> "The price of Indian corn in this market is from 28*s.* to 32*s.* per 480 lb."

Mr. D. BROWNE said, if anything could convince him that a local Parliament for Ireland would not be necessary, it would be the speech and the proposition of the noble Lord, and the way in which both had been received by the House. He felt confident that both would meet with the approbation of the people of Ireland, and would induce them to place dependence on the good disposition of the Government; and, furthermore, that they would not be led into those excesses into which a more patient people might be betrayed under prospects so disastrous as those of Ireland appeared to be. From the county he represented, he had received the most fearful details, not only of the present distress, but also of the prospect for the future, and he had petitions to present to the House in which it was stated that in two months there would be in the county of Mayo no food for the people. In giving this praise to the present Government, he by no means wished, however, to make any invidious comparison with the late one, which had acted with the greatest alacrity and benevolence. Nothing was more calculated than their conduct had been to remove from the minds of the people of Ireland the impressions produced by their conduct in other matters, to which he would not now allude. But if the late Government were solicitous for the preservation of life and peace in Ireland, under the excitement and despair incident to the fear of famine, it was much more the duty of the present Administration, under circumstances of still more aggravated distress, to take measures for the purpose of providing against the threatening danger. While it was necessary to make those who were rich contribute to those who were without food, it was most dangerous to raise inordinate hopes in the minds of the people of Ireland. It would be most dangerous to make the people of any country dependent on anything but their own exertions. The tendency was to demoralize them, and to depress them from a condition of honourable freedom and self-reliance to a condition of abject dependence upon the pity of others. Great caution ought also to be exercised in regard to interference with the markets. Such interference, in many instances, had had the effect of increasing the prices and diminishing the supplies of food, because legitimate speculation was checked by the interposition of the Government. One advantage, he thought, would arise from the proposals submitted to the House. The attention of Parliament must necessarily be turned to some measure which should provide, that hereafter the people of Ireland should not be left dependent upon the generosity of this country. There must be some law enacted, which should take from the landlord and give to the tenant as much as amounted to the difference between starvation and comfort—some law to regulate the tenure of land for that purpose. A more extensive system of Poor Laws must be established for the purpose of making the landlords attend to the interests of their tenantry. Matters could not go on as at present. Another good result was, that the potato would no longer continue the staple food of Ireland. Mr. Cobbett's wish on that point was about to be realized. Energy and enterprise would be stimulated by the introduction of a higher standard of living. He trusted the attention of the Government would be turned to promoting manufactures in Ireland, so that the people should not remain altogether dependent upon agricultural pursuits, whence the least remuneration was derived from their labour; and not only to promoting manufactures but to improving harbours, fisheries, and the means of intercourse both by land and by water. The disposition of England was to give the people of Ireland, under present circumstances, a fair chance of bettering their condition: and he believed that the House of Commons was most willing to take steps for carrying out the general wish, and promoting the material and social improvement of that country.

Mr. WILLIAMS considered that the Government and Parliament were only discharging their duty in taking measures to provide against the threatened famine in Ireland. Under the system of Poor Laws established in England, provision was made for every man. That provision might not be so adequate as it ought to be; but still no human being could be placed in a position of destitution without having the means, by law, of obtaining relief. The same system must be extended to Ireland. He was quite convinced that if a system of Poor Laws, enforcing outdoor relief, were introduced into Ireland, the landlords would then discover means of obtaining employment for the poor, and the destitution of that country would, to a very great extent, be superseded by an extension of labour such as would prove highly advantageous to the landlords of Ireland themselves.

Mr. LABOUCHERE had no intention of entering on the difficult and controverted question as to the introduction of a system of Poor Laws into Ireland different from that which had already been established in that part of the United Kingdom. Any person who had paid the most cursory attention to the subject knew its difficulty. But while it deserved the most careful consideration on its own merits, he must be permitted to observe, that any incidental discussion upon such a question seemed to be altogether useless. The hon. Gentleman who had just sat down, had stated that the Government had altogether abstained from calling upon the landlords of Ireland to take measures in reference to the distress which was impending. The hon. Gentleman could not have attended to the statement of the noble Lord at the head of the Government (Lord J. Russell). For what did the noble Lord propose to do in the measure he had submitted to the House? He proposed, and rightly, not only to empower, but to require the property of Ireland to meet the circumstances of distress and destitution which the failure of the potato crop had brought upon their country. But while the State required that the landlords should take upon themselves this burden and responsibility, it was due to them, in the circumstances in which they were placed, that they should receive the assistance which the House had it in its power to offer. It was proposed to give the property of Ireland every facility for the purpose of enabling it to undertake the task. It was impossible to deny that Ireland was placed at this moment in a position almost unexampled in the history of a nation. A failure of the potato crop, the main article of subsistence among the people, and that people, or a large proportion of them, always in a state bordering upon destitution —a failure so wide, so sudden, so sweeping, in itself presented a very extraordinary state of matters, which required very extraordinary remedies; and all arguments drawn from an ordinary state of things were plainly inapplicable under the circumstances. The measures of the late Government on this subject had been characterized as wise measures. The Corn Laws had not been repealed; a heavy duty existed on Indian corn; and hence Government would thus be induced to take extraordinary measures for introducing a supply of it into Ireland. But now the trade was perfectly open, and nothing could be more fatal to the interests of the country than that the Government should undertake the business of the merchant. His right hon. Friend the Chancellor of the Exchequer had read some letters, showing the advantages already produced by the assurances which Government had given that they would not interfere with the importation of grain by the ordinary channels of trade. A very remarkable instance had occurred within his own experience. A few days ago, a very large provision merchant in one of the principal ports on the west coast of Ireland said to him at an interview, "I am very much disposed to speculate largely in Indian corn; but I wish to have an assurance that Government will not interfere with my market. I wish to know upon what principle the Government means to proceed." The reply was, that in regard to articles of food the Government would under no circumstances import any; but that the same unqualified assurance could not be given against temporary and partial interference in particular cases where communication was difficult, though the Government were equally sensible of the necessity of leaving the retail trade in the hands of the dealers as well as the wholesale. On leaving the room, the gentleman went forthwith and purchased two cargoes of Indian corn, and had them sent round to Ireland. What better proof could be adduced that it was not advisable for a Government to interfere with the commerce of the people; and that when a Government did interfere, the tendency was to stop the common processes and exertions of trade so as in reality to deprive the people of the subsistence which they required? He was quite willing to give credit to the late Administration in regard to the course they had pursued. Their proceedings had been actuated by the best intentions; their measures had been conducted with very considerable ability; but it was impossible not to notice what was going on in Ireland at this moment, without being impressed with the evil consequences of interference by Government either with the import trade or with the markets of the country. He did not mean to say that the late Government did not act properly under the circumstances; but he felt it necessary to state some circumstances which rendered it inexpedient to persevere in the same course. In the first place, the provision trade was paralysed. In the next place, the labour market was utterly deranged; and by doing so very much, in many cases they had demoralized the habits of the labouring classes. The blue book on the Table was full of instances in illustration. A communication had that morning been put into his hands, which strongly confirmed the view he had taken. It was from a gentleman whose name he should not mention, but who was intimately acquainted with the subject. The gentleman said—

> "The Indian meal was sold indiscriminately 20 per cent under prime cost, and the greater part was bought up in large quantities by the farmers with the proceeds of their potatoes in ——— market, and almost all the farmers have reared their calves upon it."

["Where ?"] He would rather not mention the neighbourhood. In another passage which he should read it was stated that—

> "The ——— got a large sum to spend, and set about public works; allowed the highest wages, employed a great number of men, mostly not persons in want, allowed these to bully them into letting them do as they pleased, and so scandalous an exhibition as these crowds of people working *pro formâ*, I never thought I should see."

The people preferred the relief works to ordinary employment. The Shannon works were deserted and the harvest operations relaxed, whilst the people flocked to those relief works, though the rate of wages was inferior. And why did they do so? The relief work was not real work, it was looked upon as furnished in charity, and the work was not done in a proper manner. Though it was proper for the Government to see that the people were not in a state of destitution, yet unless a due check were imposed upon such efforts on the part of Government, they were likely to do more harm than good. He did not mean to say that in what was to be done next year, it would be possible to avoid altogether these evils. He trusted that by the adoption of suitable checks, those evils might, in a great degree, be avoided. They must not forget, however, that their first duty was to take care that the people did not starve. He hoped that the Bill which it would be his duty, in accordance with the intentions expressed by his noble Friend (Lord J. Russell), to lay on the Table of the House, would, as far as possible, prevent the Irish people from being left in a state of destitution, while at the same time it would provide efficient checks to control the administration of the measures for their relief. He hoped that by rendering it the interest, as well as the duty, of the landed proprietors to afford employment to the people, a vigilant and efficient control of the funds appropriated to their relief might be ensured. While, on the one hand, the Government called upon the landed proprietors of Ireland to tax themselves for the support of their poorer neighbours, on the other hand they held out every inducement to those proprietors to discharge that duty, by advancing them public money at an easy rate of interest, and extending its repayment over a period of ten years. He hoped and believed that this measure was as well calculated as any that could be devised for meeting and remedying the distress which unfortunately prevailed among the population of Ireland.

The EARL of LINCOLN regretted that the right hon. Gentleman (Mr. Labouchere) had not omitted the last portion of his speech, and that he had not left the case in the position in which it had been left by the First Lord of the Treasury; for certainly he had not expected to hear from the Secretary for Ireland so strong an argument, not only against everything that had been done by the late Government, but against everything that the present Government was about to do. If any reliance could be placed upon the letters which the right hon. Gentleman had read, if it could be proved that such gross and monstrous abuses had been committed in Ireland under the system adopted by the late Government, he should not think of accepting from the noble Lord the Member for the city of London, or from any Member of the present Government, those commendations for the success of the measures proposed by the Ministry with which he had been associated, to which he felt bound to say with all humility he thought they were entitled. On the contrary, he should at once say that they deserved the condemnation of the House, and that those able public officers who had been employed by the late Government in Ireland, instead of discharging their functions properly, had most grossly neglected their duty. If, however, the right hon. Gentleman had filled the office of Secretary for Ireland, even for so short a space of time as that during which he had held the same position, he believed that right hon. Gentleman would admit that it was not safe to read such letters as those he had produced without previously substantiating not only the names of the writers, but the facts to which they referred. If they could suppose that Sir Randolph Routh, whose conduct had been highly and deservedly eulogized on all sides, had allowed the Indian meal, which had been imported by the public authorities, and which had been paid for by large sums devoted to that purpose by the Legislature, to be appropriated to fattening the calves of the Irish farmers, he would have been guilty of a gross breach of duty, which could scarcely have been committed by the merest tyro. The right hon. Gentleman, however, did not stop here; but he stated that the grossest abuses existed with regard to the public works which had been carried on in Ireland. He was far from denying that abuses had occurred; indeed it was impossible, though the Government might exercise the most careful and vigilant superintendence, to prevent such abuses. He did not, however, believe that those abuses had existed to anything like one-tenth, or one-twentieth, or one-fiftieth the extent represented in the letters which had been read by the right hon. Gentleman opposite. That right hon. Gentleman, after commending the course the late Government had pursued, proceeded, by a course of ratiocination in which he confessed he was unable to follow the right hon. Gentleman, to contend that the result of their measures had been to demoralize the habits of the labouring poor, to paralyse the labour market, and utterly to ruin the provision market. [Mr. Labouchere: I said, to derange the labour market.] He must say this was the first time he had heard, even from the most violent opponents of the course the late Government had pursued, so grave a charge as that advanced by the right hon. Gentleman. If it could be proved that the measures adopted by the late Government had demoralized the labouring population of Ireland, he must say that in the course the present Government intended to pursue, which had been to-night announced by the noble Lord opposite, and of which he might say he most highly approved, they were unwisely treading in the footsteps of their predecessors, and contemplating measures which would not merely demoralize the habits of the poor, but reduce them to a state which it was fearful to contemplate. What was the difference between the course pursued by the late Government on this subject, and that which was proposed by the noble Lord opposite? The difference between the measures of the late and of the present Government was this: first, that the noble Lord opposite and his Colleagues did not intend any longer to import provisions from foreign countries on behalf of the Government; and, secondly, that they proposed to advance money on loan, and not by grant. It must, however, be remembered that the measures they contemplated would give a fictitious excitement to the labour market. The right hon. Gentlemen opposite were going to encourage public works in Ireland; they were going to carry on, though not perhaps to the same extent as the late Ministry, precisely similar operations to those they had sanctioned. If, then, the late Government could be justly charged with demoralizing the habits of the labouring poor, it was evident that the noble Lord opposite and his Colleagues would expose themselves to the same imputation. But he denied that this had been the result of the course pursued by the late Government. On the contrary, he felt the greatest confidence, although there might have been—and he admitted there had been—great attendant evils on the measures they had felt bound to adopt, yet that, so far from occasioning anything like a permanent demoralization of the people, very considerable moral advantages would eventually result from them. He hoped the hon. Member for Mayo (Mr. D. Browne) would, on his return to Ireland, inform his countrymen that no English Member had risen to object to the proposition of the noble Lord; and that even the hon. Member for Coventry (Mr. Williams), who was perhaps more jealous than any other Member of that House of the management of the public purse, had not said one word in opposition to the noble Lord's proposal; but, on the contrary, though he objected to largesses from the public funds, he had expressed his opinion that under the existing circumstances of Ireland such a measure was necessary. He hoped this fact would go forth to the sister country; and the people of Ireland would then see that whatever Government might be in power, they would not allow the poor of that country to starve. It would then be seen that the Government regarded the poor of Ireland with at least equal care and solicitude to that which they evinced towards the poor of this country; and our fellow subjects in Ireland would also know that even the most economical Member in that House had raised no objection to the measures proposed for meeting the emergency which had arisen. He believed that other advantages would result from the measures which had been adopted, and which were about to be adopted, by Government with regard to Ireland. Not the least of those advantages was the probability of inducing the labouring poor of Ireland to look to wages wherewith to purchase food, rather than to depend upon the produce of their small crops. The right hon. Gentleman (Mr. Labouchere) had stated that the effect of the measures adopted for relieving the population of Ireland, had been to derange the labour market in that country. He admitted, that to some degree that might have been the result, but by no means to any considerable extent. The measures now proposed by the Government would, however, have a precisely similar effect—an effect which they could by no means prevent. The right hon. Gentleman had also said that the measures brought forward by the late Government had paralysed the provision market. He (Lord Lincoln) believed, that if the right hon. Gentleman made any inquiries on this subject, he would find that the charge was utterly groundless. If the right hon. Gentleman applied to Sir Randolph Routh, or any of those persons who had watched, with most scrutinizing eyes, every turn in the market, in order to obviate inconvenience from this source, he would find that this accusation could not be substantiated. Not long before he quitted the office of Secretary for Ireland, he was called upon by a gentleman who made grave complaints respecting the administration of the commissariat department in that country. He might remark, in passing, that the right hon. Gentleman opposite (Mr. Labouchere) seemed to have forgotten some of the habits of the office he had formerly held; for the right hon. Gentleman admitted that he had given private information to a gentleman who applied to him to ascertain what course the Government intended to adopt, and who immediately went and purchased two cargoes of grain. He thought the right hon. Gentleman would have acted more in accordance with the rules of the Board of Trade if he had abstained from giving information of that kind. As he had before said, however, a gentleman complained to him, when he held the office of Secretary for Ireland, that there had been a gross maladministration in the commissariat department, by which his interests had been materially affected. He immediately wrote to Sir R. Routh, stating the accusation, and requesting that gentleman to inquire into the case. Inquiries were accordingly instituted, and their result convinced him that the charges were wholly at variance with the facts. He was not, however, inclined to say, that the measures adopted by the late Government for affording a supply of provisions to Ireland should be continued by their successors in office. If the late Government had remained in office, it by no means followed that they would have persevered in the course they had, for a time, felt bound to adopt; and he must say, that he fully approved of the intentions of Her Majesty's present advisers on this subject. The circumstances under which the late Government interfered on this subject, differed very materially from those of the present time. When the Government of which he was a Member were called upon to adopt measures for the relief of the people of Ireland, Indian meal was unknown—or comparatively unknown—in the country. It was impossible to expect that private parties would speculate in that article. It had been tried in a small locality in Ireland, where it had been disapproved; and it was evident that, if introduced at all, it must be introduced by the Government with care and caution. He thought, however, that the course taken by the late Government with regard to the importation of Indian meal, had been much misunderstood. The hon. Member for Mayo (Mr. D. Browne) had stated that the importation of Indian meal by the Government, had greatly discouraged private speculation in that article. He could assure the hon. Gentleman that he was entirely mistaken. He (Lord Lincoln) believed that, but for the efforts of the Government to introduce Indian meal into Ireland, and to persuade the people to adopt it as an article of food, no private importations would have taken place—at least to any considerable extent. But the moment an example was set by the Government in introducing this meal, private individuals engaged in the trade, and it had been carried on to the present time. [Mr. D. Browne had referred to speculation in the usual provision trade.] He fully concurred in the opinion expressed by the noble Member for the city of London, that if the Government were now to import provisions, they would paralyse trade, and prevent those private exertions to which every country must look for a permanent supply for the sustenance of its inhabitants. After the speech of the noble Lord, who had fully explained his intentions, who had given ample credit to the late Government for the manner in which they had met the frightful emergency of the last year, and who had admitted that their views and intentions had been fully carried into effect by the able officers under their direction, he should not have thought it necessary to trouble the House, but for the observations which had been made by the right hon. Secretary for Ireland. He considered that, under such circumstances as those in which Ireland was now placed, any Government that might be in power ought to be very largely trusted; and he believed the noble Lord had given to the House all the information he felt justified in affording them. He felt bound to bear his testimony to the admirable and efficient manner in which the officers of the commissariat department in Ireland had discharged their duties; he was satisfied the Government would derive great advantage from continuing their services during the winter; and he hoped no considerations of economy would induce the noble Lord to withdraw any of those gentlemen from the posts to which they had been appointed under the direction of Sir R. Routh. He need scarcely say that he entirely concurred in the approbation which had been expressed by the First Lord of the Treasury of the admirable manner in which those officers had performed the duties that devolved upon them. He might also assure the House that his right hon. Friend under whom he recently held office, had felt the greatest anxiety with reference to the subject now under discussion. Never during the many years that he had been acquainted with his right hon. Friend (Sir R. Peel) had he seen him so nervously anxious on any subject—anxious that the means for relieving the people of Ireland should be fully efficacious, while they should be unproductive of inconvenience and derangement to the trade and labour of the country. With all those good intentions, however, and notwithstanding that the schemes of the Government had been well digested, it would have been impossible for them to have carried out their plans efficiently but for the co-operation they had received from their officers in the sister country. It was impossible to give too much praise to Sir R. Routh, to the Board of Works, and to two gentlemen who, at his (Lord Lincoln's) solicitation, had, in March last, most handsomely given their services to the Board of Works, in subordinate situations—Captain Larkom and Mr. Griffith. He must add, that those gentlemen had displayed the greatest zeal, and an ability that could hardly have been expected from individuals who had been so little habituated to service of the description in which they were engaged.

Mr. LABOUCHERE feared what he had said had been misapprehended by the noble Lord who had just sat down. He thought he had done ample justice to the late Government for the measures they had adopted for preventing a famine in Ireland. He had, however, deemed it right to state that, though those measures might have been necessary, they had been attended with some evil effects. In order to justify this statement, he might appeal to the published correspondence, page 341, where, in a Treasury minute, it was stated that—

> "Those parts of the operations for the relief of the people which stand most in need of correction, are stated to be connected with the imperfect manner in which some of the local relief committees have executed the duties entrusted to them."

The noble Lord seemed to think that he (Mr. Labouchere) had made a general charge against the relief committees of Ireland. Nothing of the kind. He had only said, that in particular cases abuses had existed; and that his assertion was not unfounded was proved by the following extract from the minute:—

> "It appears, as well from the report now before this Board as from the previous correspondence on the subject, that tickets for employment on the relief works have, in numerous instances, been distributed by the members of those committees, without regard either to the real circumstances of the applicants, or to the number of persons who could properly be employed—that the ordinary resort of Irish labourers to England, for the purpose of participating in the high wages consequent on the getting in of the hay and corn harvest, has been in some parts of the country suspended—that the great public works for the improvement of the Shannon and for the drainage of the country have to a considerable extent been left without workmen; and the people employed on the relief works have indulged in habits of indolence, preferring the receipt of an eleemosynary allowance under the name of wages to higher wages proportioned to the labour performed."

He (Mr. Labouchere) should be sorry to think that the noble Lord supposed he was disposed to underrate the manner in which the late Government, in circumstances of unexampled difficulty, had performed their important duties; but he had considered himself justified in pointing out the difficulties with which any Government had to contend in dealing with a subject of this nature.

Mr. HENLEY would not say anything in opposition to the measure, for he thought that, with the prospect which the country presented before them, a more wise arrangement could not have been adopted. But it was vain to look at the measure as one of a mere temporary nature to meet a present emergency. The disease in the potato had been going on in America for four years past. It was known in these countries only two years. It had not ceased in America as yet; and there was no telling what the final result would be in this country. His main object in rising was to call attention to those matters, in order that the House might not be called upon in another Session for another temporary measure. They should be prepared to do something permanent. It would, however, be satisfactory to the people of this country to know that the House was much more liberal to their poor fellow subjects in Ireland than to the poor of England; for in the instructions to the inspectors of relief works, the very first was—

> "The inspecting officer will in every case revise the lists of labourers employed upon relief works, so as to confine the persons to whom wages are for the future to be paid to those who are proved to have no other means of subsistence; and he will take care that the rule, that tickets are to be signed by two members, and are to be issued only through the secretary, as well as the other regulations which have been prescribed to the relief committees for the purpose of preventing persons who are not really in distress from being employed upon the works, are properly observed."

It would be seen from these instructions that outdoor relief was to be given to the destitute poor of Ireland, who should appear to have no other means of subsistence; whilst in England they were obliged, not only to prove their utter destitution, but also that they had sought for employment and could not get it. They were opening a door which they would find it extremely difficult to shut. He trusted that some permanent measure would be adopted to prevent the recurrence of seasons of such helpless distress, and to put upon a better footing the general prospects of the country.

Sir J. D. NORREYS wished that the Legislature of the country would, in a future Session, bring forward such measures for the permanent relief of Ireland as would remove from the people of that country the necessity of coming to the British Legislature in the character of supplicants. Ireland had mines of the most extensive and valuable description; it had rivers peculiarly adapted for commerce and manufactures; and yet, in consequence of the Legislature not looking to the subject of the improvement of Ireland in a proper light, all those natural resources of wealth and comfort were allowed to lie waste and useless. He hoped the noble Lord would have the courage to attack the grand jury system in Ireland. The noble Lord wished to remove from the old grand jury system the power of taxation. He (Sir J. D. Norreys) would recommend him, instead of letting the selection of what was to be done in the way of public works remain with the baronies, to transfer the selection to the poor-law unions. Let the electoral divisions make the selections, and the unions have power to tax themselves. They would thus get rid of the baronies and the grand jury system at once.

Mr. HUME was pleased to hear the speech of the hon. Gentleman who had just sat down, because that was the language that ought to come from an Irish landed proprietor. He was pleased to hear that the landlords of Ireland were prepared to provide for the necessities of the people of that country as far as possible, in the encouragement of public works; for until they were prepared to do so, and to raise the funds from their own lands for their improvement, it would be vain to look to England for relief of a permanent or improving nature. When the measure of the late Government was proposed, he (Mr. Hume) prophesied that it would derange the labour and the provision markets. The prophecy had come to pass. The effect of the relief works had been actually to prevent the labour from coming over to England and Scotland from Ireland, as heretofore; and a friend of his from a midland district had told him that such was the demand for labourers upon railroads, and the want of Irish harvest labourers, that they could not procure labourers for the usual agricultural purposes. It was dangerous for the public to interfere with the labour market Public money had been expended to no useful purpose whatsoever. They should go deeper, and strike at the root of the evil. Why should the Government be called upon to supply food for Ireland, and not for England or Scotland? Were the people of Ireland less disposed to work for their daily bread than those of England or Scotland? He believed not. They had abundant proof in England and Scotland that the Irish labourers worked hard and willingly; and was it likely that at home they were a whit less industrious? It was the result of misrule that the Irish people were thus destitute and helpless; and it was for the Government to look deeply into the causes, and remove them. They had hitherto mistaken the course they should have pursued. They had made a grievous mistake in keeping up a Government in Ireland of a nature opposed to the will and wishes of the people, in keeping up institutions that were hateful to them, and which they abominated. Those evils should be struck at; and it would be the duty of the Government to examine into them with a view to their removal. But to meet the existing distress, he approved of the measures and the present course of the noble Lord's Government.

Mr. M. MILNES said, that all eleemosynary grants of this kind established very bad and corrupting principles. He perfectly concurred with the hon. Member for Montrose, that it was at once the duty of the English Legislature to place Ireland on a footing similr to England and Scotland in respect of its laws. He believed that if the landlords of Ireland were assisted by the Legislature in improving their estates, they would be conferring incalculable good upon the people of that country. The people of England were undoubtedly willing to make great sacrifices for the relief of their Irish brethren; but they must, nevertheless, tell the landlords of Ireland that it was their duty to conduct themselves towards their dependents in the same manner as did the country gentlemen of England. The landlords of Ireland must retrench their luxuries, and devote themselves to the improvement of their country.

Sir R. FERGUSON thought that the sums to be raised should be raised upon the poor-law assessment, through the poor-law guardians, and the electoral divisions should be made responsible for the sums to be laid out within them. Provision should be made, of course, for the election of the boards of guardians. The election was at present excellent; but if they were to have the arrangement of assessment for public works, there would be much difficulty. There was one point to which he wished to draw attention, which had been overlooked as yet, and that was that the Board of Works in Ireland had been totally incompetent to the business entrusted to it. He gave the Board credit for the best possible intentions; but they were unable to manage the business which devolved upon them. He would read an extract from their report, which would exemplify the fact:—

> "There is no doubt that many works were commenced without necessity. It is true the representations were extremely urgent and pressing, and therefore great precaution and judgment were necessary."

There was a great want in some way or other of a controlling power. The Board of Works threw the blame upon the relief committees; and the right hon. Gentleman the Secretary for Ireland brought forward two anonymous statements casting blame also. He thought it very unfair to make statements such as those without mentioning the districts from whence they had been forwarded, and in which the matters complained of were stated to have occurred. The local committee had been completely overborne in many instances; but if the assessment were made local there would be a different result.

Mr. B. ESCOTT said, it appeared to him that they were agreed on all hands as to the necessity of doing something for the Irish people. The Government of the noble Lord and of the right hon. Baronet were equally desirous of doing good for, and had equally good intentions towards, that people. The only question was, how those intentions were to be carried into effect; and the great difficulty was, to reconcile the good intentions with the bad effects of the measures hitherto adopted. It could not be denied that the late Government were quite right in adopting extraordinary measures to meet an extraordinary exigency; but it was a fair question to be asked, whether there were not some ordinary measures which, although not sufficient for the present crisis, ought nevertheless to be proposed for the general and future welfare of the country. There were still heavy duties upon the importation of certain articles of food. Would the noble Lord consult any great historian —would he look back, and say whether in the history of this country, or any other, they had, in a period of famine, in a period of distress for want of food—at a time when they were told that extraordinary measures were requisite to supply the deficiency in Ireland—whether he had ever heard in such circumstances of restrictions by law upon its importation for the purpose of making food dear? Why should not all such restrictions be removed at once? He was aware that the general feeling was, that the great question having been just settled, it ought not to be reopened; but when it was settled it was not known that the distress would be continued; and if the noble Lord oppsite (Lord G. Bentinck) were himself in power, he would hardly propose the re-enactment of the Corn Laws in the face of the pressing wants of a great body of the community. It was the duty of the noble Lord now at the head of the Government to erase from the Statute-book all acts restricting the import of food. At this moment beans and peas paid the same duty as that until recently imposed upon Indian meal, but now happily repealed. Parliament was bound under existing circumstances to remove the duty from all articles of food.

The CHANCELLOR OF THE EXCHEQUER said, he had heard nearly all the speeches delivered that evening with great satisfaction, and especially the speeches of the hon. Members for Coventry and Mallow, though they spoke on different sides of the question. He most willingly bore testimony to the wisdom of the measures taken by the late Government. The present Government had had the benefit of those measures, and if they had been able to improve upon them it should not be forgotten that they had had the benefit of nine or ten months' experience of the existing system, to which some portion of the merit of their measures must be justly attributed. He could not agree that the measures of the late Government had failed. On the contrary, he thought they had been attended with most extraordinary success, considering the unprecedented difficulties and nature of the occasion. He did not hesitate to say, that the very existence of the people of Ireland in many districts was owing to the measures of the late Government, and not merely the existence of the people, but the preservation of the country from the outrages and disorders consequent upon a period of starvation. He thought also the noble Lord was justified in saying that they had introduced a new trade into Ireland, when, contemporaneously with the supplies ordered by Government, it appeared that supplies ordered by private persons had poured into that country. He rejoiced at the introduction in this manner into that country of a cheaper and more nutritious supply of food. He was sanguine enough to expect that it would prove a great blessing to the people of Ireland, by preventing their habitual dependence upon an inferior description of food, below which they could not fall even in time of famine. He rejoiced to find also that, in some instances, people in Ireland were giving up their dependence upon the produce of a little plot of ground, and availing themselves of the system of wages now known almost for the first time in that country. He thought this would produce a change that must be most beneficial to Ireland. With respect to the public works, he should, however, be sorry that it should be considered the measures taken by the late Government, or those proposed by the present Government, were to be a permanent system of relief for Ireland. They were only to be justified by the necessity which had arisen in consequence of the late and present failure in the potato crops, and which made it necessary they should afford extraordinary relief to that country. The hon. Baronet opposite complained somewhat of the expense incurred in comparison with the work accomplished; but it must be remembered the works were not commenced for the sake of the works themselves so much as to supply the wants of the people of Ireland, by affording them employment. It was quite true that in consequence of the very short notice at which they had been commenced it had been found impossible, in some instances, to procure adequate superintendence; but here again, he hoped they should profit by the experience of last year, and that no complaints on this head would be made in future. He could not agree in the suggestion that the works should be executed by the counties themselves. If this plan were adopted, they would be executed in a different manner, and by a totally different class of persons. Works executed upon county presentments were executed by contractors in their own way and by their own men, so that if this system were adopted, the chief object the Government had in view would be frustrated. He, therefore, held it to be indispensably necessary that the works to be carried on in Ireland should be executed under the control of the officers of the Board of Works, aided and assisted, as far as practicable, by the local relief committees. When these committees did their duty, nothing could be more beneficial than the effect produced by their aid and assistance; and, therefore, he was most anxious to have local co-operation, because he was perfectly sensible that without it the system could not be carried out in as satisfactory a manner as it otherwise would be. With respect to the hon. Member's observations on the subject of levying the rate to be fixed by unions, he apprehended that there would, on that point, be no difficulty whatever; for he had it on the authority of Mr. Griffiths that it would be quite easy to levy the cess upon each barony, which would be in a form distinct from the parochial rate, as it was intended it should be. The Government were most anxious to propose a measure of temporary relief for the present distress of Ireland; but they were also desirous to avoid, as much as possible, mixing it up with the poor-law system that prevailed in that country. Having in his official capacity had to examine most of those matters in question, he was bound to confirm to the fullest extent, and in the strongest manner, the statements of the noble Lord opposite, as to the conduct of the officers who had been employed in carrying out the plan of the late Government. He thought it was the best mode that could be proposed to permit the local magistrates to make the assessment, because, from the nature of their connexion with the several places, they would assess just sufficient for the purposes contemplated, and no more. It was because he (the Chancellor of the Exchequer) wished to see the Irish govern themselves in these matters, and work their own machinery, that the present system was proposed. It was, however, only right that the burden should be ultimately thrown on the landed interest of Ireland, and not on the shoulders of the people of this country.

Mr. M. GORE said, there was one circumstance that had not yet been alluded to in the course of these discussions, and as it bore materially on the condition of Ireland, he should now allude to it. He referred to the fact of a very inferior species of potato having been cultivated in Ireland for some years past. This had been pointed out some years ago, and the opinion was then expressed, that it could not fail to lead to disease. He held in his hand a statement on this subject, which could not be suspected, as it had appeared in a railway report of 1838, and was never intended to be brought forward in a discussion of this nature. This passage stated that want of employment in Ireland had led to a great deterioration of the food of the peasantry—that the species of potato cultivated, was much inferior to what it had formerly been—and that the great tendency of such a state of things, was to lead to disease among the potato crops generally. This was in 1838, and the evil had gone on increasing since, so that there must needs be no great surprise at finding that there was a failure, and that disease should have succeeded. He wished to take that opportunity of pressing upon the Government the great importance of attending to the fisheries of Ireland, which, by giving employment to the population, and at the same time producing supplies of food, was a matter which ought to attract their most serious attention; the propriety of diffusing information among the people by providing them with instruction as to the different kinds of fishing tackle, &c., to be used, was also a matter deserving attention. He also hoped that measures would be be taken to promote, on an extensive scale, the drainage of land throughout Ireland. These were matters which he trusted the Government would not overlook, as the best means of giving employment to the population, and attaching them to the interest of this country, making Ireland in peace a source of wealth to England, and in war one of its strongest bulwarks.

Mr. B. ESCOTT said, he would to-morrow ask the noble Lord opposite (Lord J. Russell), if it was his intention to continue, under existing circumstances, and in the distressed condition of the people, the laws imposing restrictions on the importation of food?

Lord J. RUSSELL thought the hon. Gentleman himself had given a very distinct answer to the question, when he said the Corn Laws were settled. And to-morrow he should certainly say no more than he said now, that it was not his intention to unsettle that Corn Law.

Resolutions agreed to. The House resumed. Resolutions to be reported.

CARRYING TRADE WITH THE SPANISH COLONIES.

On the Question, that the Order of the Day for a Committee of Supply be read,

Lord G. BENTINCK, rose to call the attention of the House, pursuant to his notice, to the state of the carrying trade between this country and the Spanish Colonies. In doing so, he begged to apologize to, and express his sympathy with, his noble Friend at the head of the Government, that he was not in the Highlands; and to assure his noble Friend, that in calling the attention of the House to the subject in question, he intended to make no observations of an aggressive nature on Her Majesty's Ministers. The grievance of which he had to complain was one of many years' endurance on the part of the commerce of this country—it was a matter upon which the merchants of Liverpool had been continually remonstrating for the last twelve years. They then in vain called the attention of his Grace the Duke of Wellington, at that time Secretary of State for Foreign Affairs, to this grievance. From year to year they had since applied to his noble Friend the Secretary for Foreign Affairs; and upon the change of the Whig Government—from 1842 to the present time—it had been a complaint with the merchants of Liverpool, that by the regulations of the Spanish Government—by the non-reciprocity of the Spanish Government—by the free admission the Spanish Government afforded to Spanish in comparison with British vessels—they had lost, not certainly the whole, but the very much larger part of the carrying trade with the Spanish Colonies. He was bound to apologize to the House for the imperfect manner in which he should be obliged to bring the question forward; it was only within the last few days he had been called upon by the merchants of Liverpool to interpose with Her Majesty's Government, that justice might be done to British interests in this matter; and therefore he had had no time to obtain those returns which would give him the latest information on the subject. But for the purpose of calling the attention of the House and the Government of this country to the question, it would fortunately be sufficient to lay before them that information which regarded former years; while at the same time he stated that no change whatever, for the better, had taken place in the conditions referred to, as affecting at that period, British interests in these Colonies. He should begin, therefore, by stating to the House the difference that existed between the charges made upon British goods exported into the Spanish Colonies in British bottoms, and British goods sent thither in Spanish ships; and having pointed out that great discrepancy—amounting to so much as necessarily took the greater part of the carrying trade to these Colonies from British ships—he would show the House that this was the case in fact. He held in his hand a statement of the case laid before his Grace the Duke of Wellington eleven years ago, which he should beg to refer to for the information of the House; first reminding them that the facts therein stated remained the same to the present moment. It was a statement of the amount of duties of all kinds charged on two cargoes of British merchandise sent from Liverpool, the one in an English ship, the other in a Spanish vessel, to the Spanish colony of the Havannah. The cargo was one of general goods. It included woollen goods, linen goods, and cotton goods; and the value of the goods exported—the export value of the goods—was 1,975*l.* There were 1,000 blankets, of the value of 150*l.*; 1,000 yards of blue cloth, of the value of 100*l.*; 1,000 yards of linen, of the value of 100*l.*; 100 mantillas, of the value of 100*l.* These were some of the articles. By a valuation made in Havannah, the distictive duties levied were at the rate of 21¼ per cent upon goods exported in Spanish ships, while they were at the rate of 30¼ per cent, *ad valorem*, upon goods landed from British ships. This cargo also included 1,000 printed calicoes, of the value of 500*l.*, and other articles of a value making the whole amount, as he had stated, 1,975*l.* Well, upon this cargo the duties levied by the Spanish Government, when it was carried in a Spanish ship, were 582*l.* 11*s.* 9*d.*; but when it was carried in British ships the duties levied amounted to no less than 826*l.* 0*s.* 6*d.*, making a difference of 243*l.* 8*s.* 9*d.* upon the same goods when imported into Havannah, by a British ship, as compared with the amount when they were imported by a Spanish. But this discrimination in the duties was over and above another discrimination in the tolls taken in port. The difference in port dues and wharfage was almost equally restrictive against the British merchant. The port dues were 5 rials per ton upon Spanish ships, and they were 12 rials a ton upon British vessels. Then with regard to the expenses of wharfage—the wharfage was six rials a day upon every 100 tons for Spanish ships; but it was 10 rials a day for every 100 tons of English vessels: and the hemp dues were 1-6th of a rial per ton upon Spanish ships, while they were twice that amount per ton upon British bottoms. The result of all these duties was, that it rendered it so much more advantageous to export goods in Spanish ships rather than in our own, that whilst, in 1833, a Spanish ship, laden from the Spanish Colonies, was never seen in Liverpool, it was now almost as rare an occurrence to see an English ship in the port of Liverpool, laden with goods from the Havannah. The difference of the duty on the import of goods was 12*l.* 6*s.* 6*d.* per cent, for when imported in British ships the duty was 41*l.* 16*s.* 6*d.* per cent, and when imported in Spanish ships it was only 29*l.* 10*s.* per cent. Well, this grievance had been enduring for twelve years. America felt this grievance as well as England. Spain endeavoured to run her rigs on that country; but our American neighbours knew how to resent the attempt. Within two months America brought forward and passed a measure of retaliation, by which that country enforced higher duties on goods or produce imported into American ports by the ships of Spain, and higher rates on ships of Spain, equivalent in amount to those duties attempted to be imposed by Spain on goods and ships trading to Spanish ports. And the Americans did not stop there; they allowed no Spanish ship to leave the ports of America without imposing on goods exported in those ships duties equivalent to what would have been imposed if the goods had been sent to the Spanish Colonies in ships of America. The result of this conduct was, that Spain abandoned her restrictions, but retained them with respect to this country; so that while England was precluded from carrying goods to Spain on an equal footing with Spanish and American ships, the produce of Spain was allowed to be imported into this country without any differential duty being demanded. He admitted that as far as pilotage and lighterage charges were concerned, Spanish ships paid double the amount compared with the charges levied on ships of this country. Dock dues were also higher; but there was no distinction as to goods, and the result was that in the years 1838, 1839, 1840, and 1841, he found this to be the state of the carrying trade between Liverpool and Cuba. He found in the year 1838 the total declared value of cargoes, these cargoes consisting of various descriptions of merchandise — earthenware, glass, nails, hardware, machinery, coal, and cases and bales of manufactured goods, comprising, indeed, all the great manufactures of this country — he found that in the year 1838 the declared value of the cargoes exported to Cuba was 472,927*l.*; of this amount there was carried by the ships of Great Britain but 61,487*l.*, by the ships of America 92,781*l.*, and by the ships of Spain 318,534*l.* value. In 1839 the amount of merchandise carried to Cuba by the ships of Great Britain was 35,997*l.*, by the ships of America 69,930*l.*, and by the ships of Spain 265,106*l.* in value. In 1841 the declared value of the cargoes to Cuba was 518,399*l.*, of which amount but 33,308*l.* was carried by ships of Great Britain, 49,446*l.* by American ships, and no less than 428,254*l.* carried by ships of Spain. So that, in point of fact, the ships of Spain were carrying thirteen times the amount of goods carried by the ships of Great Britain. This was the effect of admitting the ships of foreign countries into free competition with the ships of Great Britain. And here was the tendency of such doctrines—for by their operation, some of the worst-sailed ships, manned by some of the worst sailors, were able altogether to beat the ships of Great Britain in the carrying trade on the Atlantic Ocean. He had spoken of the years 1838, 1840 and 1841: he had not been able to get returns down to a later date; but he knew what was going on at Liverpool at that moment, and he found at this very time there were six Spanish ships and but one British ship loading for Havannah—the one British ship measuring 176 tons; the six Spanish ships measuring 1,296 tons. That was the state of British commerce at Liverpool at the present moment, He found that by this state of things a great advantage was given to Spanish over British ships—in fact so great was this advantage, that merchants were willing to pay 60*s.* per ton for Spanish vessels, in preference to 10*s.* per ton for British vessels engaged in this trade. Now, considering the alteration in the law with regard to sugar, and the probability of the importation of sugar from Cuba, hitherto forbidden, he must say he thought the present was an appropriate moment to press the matter on the attention of the Government. It had been calculated by the First Minister of the Crown that we should get from Cuba 20,000 or 25,000 tons of sugar the next year, or the year following, which, at the rate of 25*l.* per ton, would make the value of the sugar about 500,000*l.* sterling, for which this country would have to pay to Cuba. It was reasonable, therefore to expect that a considerable part of this payment should be made in British merchandise, and that an increased exportation of British manufactures should take place. Well, then, as we were about to give an additional impnlse to the trade of Spain, this appeared to him to be the proper time to press the Spanish Government to remove those duties which gave that country nearly a monopoly in the carrying trade. He observed, on a former occasion, there was also another consideration connected with this question—that you were going to exchange the trade with the West Indies for trade with Cuba and Brazil—that you were going to exchange a trade of which you had the monopoly, for another trade of which we could only expect a share; and that, as far as Spain was concerned, she was at this moment enjoying twelve-thirteenths of the carrying trade of Cuba. It was time, then, for Her Majesty's Government to exert themselves to obtain some redress for the merchants and ships of our own country. He had before adverted to the course taken by the American Government. He took leave to recommend to Her Majesty's Ministers an imitation of the course so successfully adopted by the United States of America. The United States of America did not trust to the moral example of the liberality of their country. The United States of America had at once recourse to energetic measures of retaliation; and those measures were successful. We had tried to conciliate for twelve years—we had tried the effect of conciliation with Spain—we had tried the effect of giving all we could yield, without asking anything in return; but we had not yet induced Spain to be generous. We found it uniformly the case that nations, like individuals, will keep all they are allowed to keep, and will give up as little as they can. The new system of policy, and the new doctrines propounded by the right hon. Baronet the Member for Tamworth, that it was beneath the dignity of this country, or rather beneath the dignity of free trade, to haggle about inconsiderable matters, he confessed that for one he totally disagreed with that doctrine. If it were vulgar to have recourse to this haggling, it was certainly the more prudent course when commerce was concerned; and he even said if this course was not effectual, it would be better to have recourse to measures of retaliation, and to have some kind of understanding with foreign nations before we made gifts to them from ourselves. They had been told by the right hon. Baronet that free trade was the only true commercial policy, and the only true principle of commerce. Against this authority he would quote another great authority across the Atlantic, Mr. Webster, with whose opinions he coincided. In 1843, Mr. Webster said—

> "With respect to the navigation laws the only true principle of politics was that principle to be found in the old navigation laws of England, which had been invented by some old statesmen in Cromwell's days."

His object in calling the attention of the House to this matter was to rouse Her Majesty's Government to make some effort: not to trust to simple negociation; but to hold out threats of retaliation if the Spanish Government would not consent to remove those restrictive duties which yielded to her a virtual monopoly of the carrying trade between Great Britain and her Colonies, and which deprived the ships of Great Britain of almost all participation in that trade. He begged to say he had not made his Motion, or called the attention of Her Majesty's Government to the subject, with any hostile intention towards Her Majesty's Ministers. They had had as yet but little time to attend to the commercial policy of the country; and they could only share with their predecessors a proportion of the charge of neglect with which the shipping interest of Great Britain had been treated. It mght be said it was not right to bully a country like Spain. He conceived, however, this was not the true view of the case. We were bound to look to the interests of Great Britain, and to advance those interests consistently with honesty and justice. His noble Friend, above all others, would have the best right to insist on justice, for when in office in former times he had never shrunk from insisting on the rights of Great Britain. He who had maintained those rights against a powerful country—he who feared not the power of France—need have no delicacy in pressing on the attention of Spain this matter, and further requiring Spain to remove those restrictive duties which shut out our ships from the carrying trade of her Colonies. If Spain, however, continued to shut out our ships, he hoped the Government would shut out the trade in sugar sent from Cuba to England. If things remained as they were, he feared the effect would be that British ships, thrown out of the West Indian, the Mauritius, and the East Indian trade by the rivalry of the sugars brought from the Brazils and the Spanish settlements, would be able to find no employment by the way of set-off in the carrying trade required by the sugars of Porto Rico and the Havannah sent to this country. Though it was a late period of the Session, he hoped he should be considered as having done no more than his duty, and be pardoned by the House for having transgressed on their time, while he called the attention of Her Majesty's Government to the great grievance he had detailed, and to the consequent depression and disadvantage under which the shipping interest of Great Britain now laboured.

MR. MILNER GIBSON did not think that the noble Lord was called upon to have made any apology for having dwelt at such length upon this subject. The question was one of very great importance; and it was desirable that it should be submitted to the consideration of that House. The noble Lord had truly stated that there was at this moment prevailing in Cuba a tariff which, by favouring Spanish ships, had well nigh excluded British vessels from the carrying trade with that island — both with reference to the importation of manufactures into Cuba, and with reference to the exportation of produce from Cuba. The noble Lord had been correct in his statement that this tariff had existed for some time; but recent changes which had taken place in that tariff, and which had effect from the 1st of March in the present year, had in some respects made its operation more favourable to British interests, while in others it had tended to mitigate it. For instance, there had been a change in the tonnage duties; but that change had been found to work favourably for the interests of England. The change had been brought in for the purpose of compensating for the difference between the tonnage as measured by the Spanish regulations and by the laws of England. The shipowners had now their option whether they would pay the 23 per cent tonnage duty as imposed by Government, or submit to their ships being measured according to the Spanish system; and those who had submitted to the alternative found that it worked well for British interests, and could not be said to be anything in reality but a mitigation of the duty. In respect, however, of certain duties on goods brought in by British ships, and of certain fees imposed by the quarantine laws, the discriminating duty as against England and other foreign places had been increased. It was quite true, that although formerly all ships paid the same quarantine fees, yet at the present time British and other foreign ships had to pay twice as high a quarantine fee as was paid by the ships of Spain. The noble Lord, however, should not be surprised at the apparent indisposition on the part of Spain to remove discriminating duties as affecting British ships and goods, for it must be in his remembrance that on a very recent occasion, when an effort was made on behalf of Spain to place such a construction on the commercial treaties between that country and England as to entitle the goods of Spain to be brought into the English ports at the same rate of duty as those of any other country, even the most favoured, England declined to sanction any such interpretation of the Treaties, and distinctly repudiated the idea that there were between this country and Spain any thing like Treaties containing the "favoured nations" clause or clauses of reciprocity. Spain had demanded that the sugars of her Colonies should be admitted into England on the same terms as those of other countries; England declined to accede to the demand. He did not mean to say, that if England had adopted the opposite course, and acceded to the application, Spain would have been precluded from placing higher duties on British goods and British ships than on her own ships and goods coming into her own Colonies; but he thought he was quite safe in assuming that if a more liberal, and, as it appeared to him, a juster construction had been put upon the Treaties, Spain would have been induced to act in a more kindly spirit, and to reduce her differential duties. It was not for him to say what course Government would pursue for the future; but for his own part, he would not hesitate to express a hope that it would not be such a one as was pointed at by the noble Lord—a course of retaliation. Conciliation had not yet been tried. It was but yesterday that the sugars of Spain were admitted on the same terms as those of other lands. England's commercial policy, until recently, had been illiberal—it had been one of general restriction, and under it these hostile tariffs had grown up. In conclusion, he had to express a hope that for the present, at least, the noble Lord the Member for Lynn would content himself with having brought this question under the consideration of the the House. The noble Lord had eloquently denounced monopoly in the Spanish Colonies; and it was to be hoped that he would be found equally energetic in protesting against it whenever he found it to prevail nearer home.

Mr. M. GORE said, he had received a letter from a Spanish merchant in London, which stated, that—

> "Spanish vessels enjoy advantages to an extent which amounts to an exclusive employ of the former. All goods exported from England to Spain and her Colonies, if in English bottoms or ships, are subjected to a duty of 25 per cent on their value; but transmitted in the vessels of Spain no duty attaches, and hence you will readily observe what sort of reciprocity subsists between us and Spain. This is an improper advantage, and it ought to be met by some countervailing regulation. It is true the wines of Spain are for the most part brought here in English vessels; but on inquiry into this seeming anomaly, I find it arises from a few ships of a peculiar size and despatch being used and built by us, and which enables us to effect the freight on cheaper terms than even the Spaniards can carry this particular traffic. England has so little attended to what is going on in Spanish shipping, that she permits without any retaliation ships to come from Old Spain and all her dependencies—from the Havannah especially—without reference to the excluding tariff of Spain; and one consequence is, that the commercial marine of Spain has increased to an amount of tonnage as large as in her days of prosperity."

At this very moment Spanish ships were now loading in London for Manilla and other places, both in Spain and in her Colonies; whereas of English ships loading for the same destination there were only two, and those only touched at Cadiz in their way to Gibraltar. In Manilla, Puerto Rico, and other Spanish Colonies, as well as in Old Spain, many Spanish vessels were now building.

Viscount PALMERSTON: The subject which has been submitted to the consideration of the House by the noble Lord the Member for Lynn, is, I admit, one of very great importance, and one in which the shipping interests of this country are very deeply involved. I share unaffectedly in the regret expressed by the noble Lord that a commercial policy, hostile in any respect to those great interests, should have been adopted in any country; but at the same time I feel, that however unfriendly to British interests may be the intention of certain tariffs, the energy and ingenuity of British merchants may in some cases succeed in mitigating the practical effect, and diminishing the real extent of the evil. I wish, however, to have it understood that I do not say this with the intention of leaving it to be implied that I do not believe it to be the duty of Her Majesty's Government to do every thing in their power to reduce, and, if possible, altogether to remove, the evil of which the noble Lord complains. Most undoubtedly it is their duty so to do; but at the same time the noble Lord and the House will do well to bear in mind that the ground which any Government may take in remonstrating with other countries against evils of this kind, must very much depend on what may be the characters of the treaties and engagements subsisting between this country and the country against which we may suppose that we have cause of complaint. There are two descriptions of treaties affecting the international commercial relations. The first is called a reciprocity treaty; the other is that description of treaty which entitles the contracting parties, in their trade with each other, to be treated mutually on the footing of the most favoured nations. Reciprocity treaties are those by which two countries engage that the shipping of each shall be in the ports of the other on the footing of national vessels. Now, I am not aware that we are entitled, by any existing treaties between this country and Spain, to demand as a right that the British shipping in Spanish ports should, in regard of tonnage, and in all other respects, be placed on the footing of Spanish vessels. We had, however, treaties with Spain, which, according to the construction which I and those who were of the same opinion with me, put upon them, did entitle the respective parties, in their commerce with each other, to the footing of the most favoured nations. Therefore, undoubtedly, if it can be shown that Spain, yielding to the retaliatory measures of the United States, has exempted the shipping of the United States in Spanish ports from the duties to which British ships are liable in their ports, that would be a fair ground on which we could take our stand for resistance. I am not just at this moment in possession of sufficient information as to how this matter stands; but I am sorry to say that the treaties and engagements between England and Spain, which were in themselves complicated in their nature, from the circumstance of their depending on many old treaties, of which the language was in some places obscure, and in others might appear self-contradictory, has been rendered more uncertain still by the interpretation which of late has been placed upon them. At the same time, the measure which Parliament is now adopting with respect to the sugars of the Spanish Colonies, does, I think, as the noble Lord remarks, afford an opportunity of putting these matters on a clearer, more certain, and more satisfactory footing. Of course the Queen's Government will feel it to be their duty to avail themselves of every favourable opportunity to make these relations as satisfactory as possible; but at the same time I entirely agree with my right hon. Friend the Vice President of the Board of Trade in thinking that one of the methods advocated by the noble Lord the Member for Lynn would be most unwise and inexpedient to adopt. I cannot think that the policy of retaliation for which he contends so strenuously would be either wise or useful. The noble Lord, as it appears to me, rather mistook the grounds taken by the right hon. Baronet the Member for Tamworth, in stating his objection to this retaliation system. The right hon. Baronet did not state his objection to that system to be one founded on the ground of dignity or national honour. He stated that it was one founded simply on the ground of practical advantage—and he was right. Most assuredly we do not object to retaliation, because we do not think it a dignified mode of enforcing treaties. Our objection is, that it is an inexpedient and ineffectual mode of remedying an evil. If you could reasonably expect that retaliation would at once produce its effect, and that the country on which you retaliate would be led thereby to concede what you desire, it might perhaps be worth while to endure a temporary evil for a great permanent advantage; but I am sorry to say that experience does not warrant the opinion that such a result can be reasonably depended on. And it is clear that if you have recourse to retaliation, and fail, notwithstanding, in accomplishing your purpose, the consequence is, that instead of one, you voluntarily subject yourselves to two evils which you cannot prevent. What happened in the case of your commercial relations with Naples attests this. Some years ago, when the present Government was in office before, we conceived that we had a just cause of complaint against Naples; and we did resort to retaliation. When the duties on foreign oils were very much reduced in this country, we still retained a high duty on Neapolitan oil, because Naples had not chosen to do what we were entitled to expect with respect to our commercial relations with that country. Our retaliatory proceeding had no effect in reducing the high duty of which we complained as being imposed by the Neapolitan Government; but it had the effect of subjecting our commerce and manufacturing interests here at home to great inconvenience and annoyance by the continuance of the high duty; and I believe the ultimate result was, that the late Government at last found it expedient to adopt a different course of policy altogether. I only mention this, that the House may understand that we now, in Her Majesty's Councils, are not prepared to resort to a system of retaliation. I am clearly of opinion, that it is not a wise nor an expedient policy, unless, perhaps, in very extreme and particular cases, and for this reason I will not advocate its adoption; but I will exert myself to the utmost not only to remedy the evil to which the noble Lord has adverted, but also to place the commercial relations of both countries generally on a more satisfactory footing.

Mr. DISRAELI: I consider, Sir, that the adoption of measures of retaliation must depend entirely upon circumstances; and the success of such retaliatory measures must depend, of course, upon the forming of a prudent judgment with reference to those circumstances. With regard to the case to which the noble Lord the Secretary for Foreign Affairs has referred, it affords no proof of the inexpediency of retaliation. The noble Lord has confounded (perhaps not unintentionally for the purposes of debate)—the noble Lord has confounded retaliatory duties upon articles of commercial exchange with retaliatory duties upon the means of conveying those articles of commerce from another country —the retaliation to which my noble Friend the Member for Lynn has referred; and the fact is, that there is not the slightest analogy or similarity between the two circumstances. Undoubtedly if we retaliate on a foreign country by laying an excessive duty on articles of which we are in want, our retaliation produces no effect on the policy of that foreign country, while we are suffering by depriving ourselves of articles of necessity; but that does not refer to a retaliatory policy with respect to navigation. If in the present instance we should retaliate by laying a duty on the use of Spanish ships, we cannot, under any circumstances, prevent this country having the advantage of the article on which the duty is laid; and if we prevent the Spanish ships from coming to this country, we succeed in our object; whereas when we prevent Neapolitan oil from coming to this country, as we have succeeded in preventing it from coming here, we inflict a great injury and inconvenience on the manufacturers of this country. The instance which the noble Lord (Lord Palmerston)' has brought forward as a warning to us when we recommend a retaliatory policy to the Government, has really little bearing on the question before us; and I think I shall have little difficulty in showing to the House that although a retaliatory policy with reference to an article of commerce often fails, a retaliatory policy with respect to a matter of navigation almost always succeeds. I have an instance in my hand which bears on the question before us. The noble Lord the Member for Lynn has referred to returns so late, I believe, as the year 1841; and he regretted that it was not in his power to refer to returns of a subsequent date; but I happen to have a return of July 18, 1846, of the ships loaded on that day in the port of Havannah; and if the House will permit me (it is a very brief return though sufficiently full), I will read the result. It throws a considerable light as to the effect the policy of the United States has produced upon the employment of their shipping. Now, on the 18th of July, 1846, of ships of three masts, there was one British, nine American, five Spanish, three French, two Danish, and of other natioas, two; in all twenty-two. Of two masts—five British, twelve American, twenty-six Spanish, French, Dutch, and other nations, seven; there was no British schooner, six American, eleven Spanish, and two French; in all nineteen, making altogether ninety-five ships loaded in the harbour of Havannah on the 18th of July; and of those forty-two were Spanish, twenty-seven American, and six British. So it seems from that return, that the Act passed 1st Session, 21st Congress of the United States (that must be in the year 1834) produced in the course of those twelve years a considerable effect. But let the House remember, that while twelve years have elapsed since the United States determined to pursue in matters of navigation with Spain, as regards their commerce with her Colonies, a policy of retaliation—that while twelve years have elapsed since Congress resolved upon that retaliatory policy, the result of which is exemplified to the House in the returns which I have just read, that is exactly the period during which Great Britain has been trying a policy exactly the contrary. During those twelve years England has been displaying towards Spain and her Colonies a policy most conciliatory; she has admitted Spanish ships under similar advantages to her own into this country—America has prosecuted, in self-defence, a policy exactly the reverse. I now leave the question to the House and to the country, with this fact which I have brought under their notice, and its two specific results to which I have referred. It is all very well for the right hon. Gentleman the Vice President of the Board of Trade to make a speech, which recapitulates every sentiment and argument almost that have been used by my noble Friend, but holds out to us a most vague and general prospect of relief—it is extremely well for the noble Lord the Secretary of State for Foreign Affairs to do as he always does, give a most agreeable and lucid exposition of the peculiar form which diplomacy may have assumed in reference to the subject under argument; but I want to know what prospect of relief is held out by them to those persons who are engaged in the carrying trade in Liverpool and elsewhere, while the noble Lord the Member for Lynn has shown us that the carrying trade between England and the Spanish Colonies is almost entirely enjoyed by Spanish ships. I am not one of those who would be frightened at hearing that eight Spanish ships are in the river Thames, as the hon. Member for Barnstaple informs us. I should not object to eighty Spanish ships being there; but I do not want those ships to be there because they enjoy an advantage that English ships do not enjoy in Havannah, Manilla, or Porto Rico; and have obtained the carrying trade between England and the Spanish Colonies in consequence. The Americans have pursued a retaliatory policy; and the result is, that at this moment there are loading in the harbours of Havannah five times as many American ships as British ships. The traders of England feel that they have suffered much. They feel also that there are means of giving them relief, and can refer to a statement, the accuracy of which cannot be denied, to prove it. They refer to a statement, which cannot be denied, to show what the remedy should be; and what do the Ministers of the Crown? I do not blame this particular Ministry—they are fresh in office, and are only following the policy of their predecessors. What do the Ministers of the Crown?—or what, for the last twelve years, have they done? Do they promise relief? No; but, on the contrary, they tell us that the very policy we recommend, the specific remedy which we suggest, is one of which they do not approve; but no single argument has been brought forward to induce any hon. Gentleman to believe that the objection on the point is not deserving of consideration. With reference to the Treaty of Utrecht, to which the right hon. Gentleman the Vice President of the Board of Trade has referred, I would observe that I always took the same views of the rights of Spain under that Treaty which have been professed by the noble Lord the Secretary of State for Foreign Affairs. I rose when that question was discussed; and if, Sir, I had caught your eye, I would have answered the observations which were then made in support of the views of the individual who recently occupied the office of Secretary of State. I regret the policy that was then pursued, and I think that the construction which was put upon that Treaty by the noble Lord was accurate. But after all, it does not bear upon the question before us. Here is a grievance that cannot be denied. Here is a remedy, or that which we allege is a remedy, for that grievance; and it is not a question of existing treaties, or a question with reference to the construction or interpretation of treaties; but the question is this, whether, under the circumstances of the case, a powerful Government may not, with firmness and temper, obtain relief. It is a case in which a powerful Minister may obtain that relief. I do not say from Spain, for it is a weak Power; but it might be obtained, under the circumstances of the case, from the greatest Power of the world, if it were going to enjoy the commercial advantages which the country in question is about to obtain. I do not doubt that the Secretary of State, when he gives more mature consideration to the circumstances, will find there are means by which a remedy may be obtained. I do not say that a retaliatory policy should necessarily be adopted; I say that it is the specific remedy before us if it should be necessary; but I cannot doubt but that a representation from the British Government to the Spanish Government at this moment would be received with the greatest consideration; and when I learn that it is the conviction of the commercial public of England that a retaliatory policy might obtain for this country the same remedial consequences that it has obtained for the American public, I cannot doubt that, if it shall be necessary, a retaliatory policy will be adopted, or some arrangement come to that will satisfy the necessities of the English public.

Mr. HUME could not but think that the hon. Gentleman had given an answer to himself. On reference to the return of shipping at Havannah, he found for one English vessel, fifteen or twenty Americans; and on examining the exports and imports, the hon. Member would find that America was able to supply staves, provisions, and all the articles the colony wanted, and took from that colony its sugar and produce. The Americans, had therefore, the double advantage—they went there with a cargo of the produce of their country, which was required by that colony, and they brought back the produce of that colony in return. But what did they (the English) do? They had not provisions or other articles which that colony required. They had manufactured articles, it was true, but they went in very small bulk compared with the produce of that colony. America, from its proximity, was peculiarly favoured in carrying that produce; but what did they (the English) do? Did they take any of its sugar? No, they rejected its sugar; and could they be surprised that the Americans, going with a cargo and taking a cargo in return, were able to have the carrying trade, while they were deprived of it? But they had done something for the cure of this during the present Session; and the moment they received in England the produce of that colony, they would see that English shipping would be employed. It was their own fault that they had hitherto been excluded; but now that Government were taking measures for admitting the produce of those colonies, they would thereby be enabled to obtain the advantages of which heretofore they had been deprived.

Order of the Day read.

THE OCCUPATION OF CRACOW.

On the Question that the Speaker do now leave the Chair,

Mr. HUME said, he had given notice on a subject which for many months had occupied much of his time. In the month of April last, he had asked whether there was any objection to lay on the Table of the House copies of correspondence, or whether there was any, with respect to the unfortunate state of Cracow. On the 22nd of February, the army of Austria, and afterwards of Russia and Prussia, took possession of that place, and the atrocities that followed in Gallicia were appalling to any individual who read them, and it appeared they took place under circumstances where we were in some degree entitled to interfere. The right hon. Baronet then at the head of the Government very candidly stated his abhorrence of the accounts that had been received. He said he could not believe them, and begged of him not to press his Motion at that time. The right hon. Baronet said information might be obtained at a future period without embroiling the Government by any interference in that House. He would be the last person to interfere in any question that would risk the peace of the world or the peaceful relations of this country with any State; but here there were circumstances in which they were placed by treaties which rendered it absolutely necessary—nay, which rendered it the imperative duty of that House, in the maintenance of the honour of the country—to demand the observance of those treaties by which they were bound. The Treaty of Vienna was a treaty which he had always complained of, inasmuch as they became bound by it to maintain the continental system. It might have led them, as it did in some degree, to be embroiled in the disputes of the Continent; and he had often regretted that those treaties had been entered into; but Administration after Administration had thought fit to maintain those treaties, and it then became a question whether there was any portion of them that more immediately deserved the consideration of the House than another. It became a question whether they, in that House, having to maintain the honour of their country, and to support that Treaty, should not interpose when an inferior State was interfered with, and the liberties of that State attempted to be destroyed. He was sorry to say that nothing had been done since the year 1830, when they lost the opportunity which then occurred of restoring to Poland her rights that she had lost. He regretted that Earl Grey had not used in 1830 the language which in 1793 he had used in that House. He regretted that, as Minister of England, in conjunction with France, he had not demanded the restoration of the rights of Poland when that country was in arms in assertion of its own rights. He regretted that the honour of England was sullied by allowing other States to trample upon a Treaty to which she was a party, and the liberties of Cracow to be interfered with. The Government had been, on a former occasion, called upon to send a representative to Cracow as consul, there being consuls there from the other three States, Austria, Russia, and Prussia. The noble Lord now at the head of the Foreign department was then also at the head of that department; and his answer then was, that the Government were taking steps to send out a consul to take upon him the duties of that office. Who had interfered he did not know; but in the following year, when a noble Lord, not now in the House, who had always taken a praiseworthy part in the affairs of that country, and up to the present moment exhibited the same regard for its liberties, was asked in 1837 why the noble Lord had not fulfilled his pledge and sent out a consul, he said the Government had given up the intention; but never stated why or wherefore. Were they to remain in the peculiar position they now occupied? It would be discreditable to a powerful State like England. They had guarantees in the independence of Cracow; but they had not the courage to assert it, or to place before the public the demands they had made. He, therefore, thought, on the part of the public, as well as on the part of the unfortunate individuals who were placed in this unhappy position, they were entitled from the noble Lord to an answer exculpatory of the conduct of the English Government. He should be sorry they did any thing to promote a breach of peace between that and any other country; but it behoved the British nation to renounce those Treaties altogether, or to demand their fulfilment, and not allow those Treaties to be hanging over them, and becoming, at a future period the means, perhaps, of embroiling them, while at the present moment, they would not, though possessing the power to do so, demand that they should be observed. If they made that demand, and Austria, Russia, and Prussia should refuse to comply with it, it would become a question whether that refusal would free them from the bonds which the Treaty of Vienna placed on them. It appeared, by the general Treaty of Vienna, that there were two points connected with this subject. The first had regard to the Poles generally; the second had special references. The 1st Article of the Treaty declares that—

> "The Poles who are respective subjects of Russia, Austria, and Prussia shall obtain a representation and national institutions regulated according to the degree of political consideration that each of the Governments to which they belong shall judge expedient and proper to grant them."

This part of the Treaty remained to that hour unsatisfied. The Power mentioned in it had failed to fulfil the stipulations of the Treaty, and England was cow-hearted enough never to have demanded that it should be put in force. From thence had flowed all the evils which had fallen upon that unfortunate country. This country sent fleets and troops in cases where inferior Powers refused to fulfil Treaties, and we sent them to coerce such countries because they were weak. When, however, we had to deal with Austria, Russia, and Prussia, we shrunk into our shells, and thus this country has become the reproach of all the Liberals on the Continent as well as in this country. By the 6th Article of this Treaty, the town of Cracow with its territory is to be for ever a free, independent, and strictly neutral city, under the protection of Austria, Russia, and Prussia. In the 9th Article, the independence of Cracow is distinctly put forward.

> "The Courts of Russia, Austria, and Prussia engage to respect, and to cause to be always respected, the neutrality of the free town of Cracow and its territory. No armed force shall be introduced upon any pretence whatever."

This Treaty was signed at Vienna on the 9th of June, 1815; and he found that the British Ambassadors put their signatures to it, and pledged the honour of England to act in conjunction with the three Powers with regard to Poland and the maintenance of the independence of Cracow. If there had been only a single treaty on the subject, it might be said that there was some mistake in the matter. But there was an additional Treaty relating to Cracow, signed by Austria, Russia, and Prussia, and dated the 3rd of May, 1815, in which it was expressly engaged that there shall be no interference with the independence of Cracow. The 6th Article said—

> "The three Courts engage to respect, and to cause to be respected at all times, the neutrality of the free city of Cracow and its territory, and no armed force shall enter it under any pretence whatsoever."

In subsequent articles of this Treaty, the free city of Cracow was guaranteed the enjoyment of its independence. This was a clear question on paper; but the Treaty had failed to be fulfilled, and Great Britain had never remonstrated on the subject. This country might not have succeeded; but still it was her duty to remonstrate. Why there had been no remonstrance it was for the noble Lord to explain; but, at any rate, they must be informed why anything of the kind had taken place. There was another Treaty of the 3rd of May, 1815, with respect to Poland, and in which there is a guarantee to Cracow of a constitution, and that it should be ensured in the enjoyment of all commercial benefits which could arise from independence. He believed that our non-interference in this matter had been productive of great mischief. He would not go into details on that occasion: it would be sufficient for him to say, that on the 20th of February last there arrived a force of Austrian troops at Cracow, which took possession of the place without any remonstrance on the part of this country. After a short time these troops were removed, and took with them all the public authorities. Soon after the Russians marched there, and, after remaining some time in the place, disturbances broke out naturally from such treatment as the people were exposed to; and this had led to the most lamentable results in that city. He had with him details of the atrocities committed in the neighbourhood of Cracow, which were so unlike the occurrences of the present age, that it was with no small difficulty that any one could believe them. This was the case with the right hon. Baronet lately at the head of the Government, who stated that the accounts were of too horrible a nature for him to suppose that they could have taken place under the Government of Austria. He and others believed that the Austrian Government was guilty of these proceedings; and this Government was what was called a paternal Government—

a word used on the Continent to describe it. The population in those districts had been urged to butcher the landowners, without any reason that he knew of, by the Government under which they lived. The Austrian Government was accused of having taken steps to encourage and reward assassination. Such proceedings appeared almost incredible; but from statements before him he believed that they had taken place. What he wanted to know was, whether England had interfered in the matter, as she had a right to do, and asked on what grounds these proceedings had taken place. In Cracow they were told—but there was no proof of this—a certain part of the population had combined and corresponded with committees sitting in Paris, London, and elsewhere, which were endeavouring to promote a revolt against the three Governments. Surely it would have been easy for these Governments to have proved this, for they had seized all the documents within the walls of the city, and might easily repel the charge which had been brought against them. It would at least be satisfactory to know that there was some ground for interference, and that it was not a gratuitous culpability on the part of those Governments. He must express his earnest hope that the day would come when they would again see Poland an independent nation. He thought that it was possible, before long, that a change might take place. By proceedings in that place they might tend to buoy up the spirit of independence in that unhappy country. What right had Austria, Russia, and Prussia, those despotic States, to deprive the Poles of the privileges given to them by the Treaty of Vienna, and which were guaranteed to them as strongly as possible by England? There had, however, been a direct infraction of the Treaty by these three Powers, and every promise given to the Poles had been broken. In spite of the Treaties existing between this country and Austria, Russia, and Prussia, Austrian troops still held military possession of Cracow. It would be far better for the honour of this country to be no longer a party to the alliance, if it took no steps to ensure the fulfilment of the pledges and engagements entered into with regard to Poland. The nationality of Poland had been destroyed; and now the little spot which had been preserved had been invaded and overrun by a military force. He hoped that the noble Lord would be able to remove the doubts which he felt as to the conduct of the British Government in these transactions. He should like to know why this country did not take the part she ought to have done in 1831, and which was essential for the honour as well as for the protection of British interests. He felt that he had inadequately brought the subject before the House; but he had no wish unnecessarily to detain the House, and would conclude by moving—

> "That an humble Address be presented to Her Majesty that She will be graciously pleased to give directions that there be laid before this House Copies or Extracts of any Correspondence between the Government of Her Majesty and the Governments of Cracow, Russia, Prussia, or Austria, relative to the appointment of a British Consular Agent at Cracow, since the declaration made by the Minister of Foreign Affairs in the House of Commons, in the year 1836, of his intention of sending a Consul to reside at Cracow."

Mr. M. MILNES said, that no one was more unwilling than himself to occupy the time of the House. On a question like the present, however, individual Members of that House might have advantages which did not fall to the Members of the Government. Words might fall from a Member of the Government which might be considered as an improper interference with the affairs of foreign countries; but the observations of private Members could only be regarded as an indication of public opinion in the country, which must be looked on with respect. He believed that the principle of non-interference was becoming the favourite foreign policy in England. In this country, where there was no frontier but the ocean, there might be a pretence for letting the affairs of the Continent go on without interference on our part, when it was not likely to bring them to a successful issue. The question brought forward by his hon. Friend the Member for Montrose was a matter in which we were engaged, and a matter in which pledges had been put forth, and engagements had been entered into with the people of Europe. The Treaty of Vienna was accomplished by means of the blood and sacrifices of England, and but for the exertions of this country it was more than probable that the arrangements entered into by that Treaty never would have taken place, and matters would have appeared under a very different aspect. It was therefore not only a question of right of interference on our part, but also a question of justice. The arrangements in connexion with that Treaty had been brought about by England, and she was responsible for the infraction of that Treaty. It had been said on more than one occasion, "What was the use of interfering if we were not prepared to go to war? If not go to the *ultima ratio regum*, why interfere at all?" He did not believe that the influence of England was so little on the Continent that we could not interfere effectually without enforcing our remonstrances by physical force. The question of Cracow had on former occasions been brought before the House in 1836 and 1840, on both which occasions his noble Friend the Secretary for Foreign Affairs took part in the debates. On both of these occasions his noble Friend said that he regarded the encroachments on that place as essentially unjust, and if he had abstained from remonstrance, it was on the ground that it was difficult to give effect to our remonstrances. But was there to be no end to encroachments without remonstrance? It was because we did not effectually remonstrate, that these things had gone on. His noble Friend said, in 1836, that it was not for the dignity of this country that it should appoint a consul when it was probable that his *exequatur* would be refused by the three Powers. Now, if England and France, under the Treaty of Vienna, had appointed consuls, he did not believe for a moment that the three Powers would have refused them, for the independence of Cracow was declared as far and as formally as words could do it. Cracow was as independent a town as Hamburgh, and was entitled to receive her representatives from other countries, and he never could understand the ground of refusal. There appeared to be a culpable neglect on the part of this country, for from our proceedings the three Powers might assume that they might do with Cracow what they did with Poland. The 9th Article of the Treaty of Vienna distinctly stated that no armed force should be introduced into Poland under any pretence whatever. There seemed to be some difficulty with respect to the other part of this article. It was distinctly stated that the town of Cracow should give up fugitives, deserters, and persons under prosecution belonging to the country of either of the high Powers. It did not appear that any means were provided for enforcing these provisions on the republic of Cracow if it refused to give them up. Nevertheless, they had never seen a case which should justify the invasion of the rights of Cracow, that no armed force should be introduced into that town on any pretence whatever. The protective Powers might have found that this was a place to which refugees resorted, and it might have been a matter of consultation how to get rid of them; but what did they care for the opinion of the other Powers which were parties to the Treaty when they took possession of the town by an armed force, which was as gross a violation of a treaty as had ever occurred? He had heard no reason assigned why the Austrian troops retained possession of the place. He was induced to support the Motion by the hope that by doing so they should get some explanation on the subject. He had no desire to make a statement or come to a decision on the documents of the plaintiff alone; but the difficulty was that the defendant would not enter on her defence. It would not do for the Austrian Government to say that this country took the case on the statements of its adversaries only. This country wished to see the grounds which induced the Austrians to commit a violation of the Treaty of Vienna. The occupation of Cracow by the Austrian troops was an avowed fact. After a short time they left the place, taking with them the civil authorities of the town; and some persons, who were fond of notoriety in the place, came forward and formed themselves into what they called a Provisional Government, and Cracow was then declared to be in a state of insurrection. There must be some explanation on this point, for the result was that Cracow was in the possession of Austrian troops. In the proclamation which had been issued on this subject, there were two statements which were as contradictory as possible. The first was that Cracow was declared to be as free as ever; and by the second it was declared that the citadel which commaded the town should remain in the possession of the Austrian troops. So much for the liberty of the town. The matter did not end there; for what was the corollary? A few refugees went over the frontier into Austrian Poland. He must say however, that the facts were so difficult to get at, that it was not possible for him to give any very distinct account of what had taken place. But immediately those refugees had passed over the frontier, there happened in Gallicia one of the most frightful events which had ever occurred in modern times. He must express to the House his astonishment at the manner in which it had been attempted to smother this question in Germany, and particularly in the

Government of Austria. Such proceedings almost established the truth of statements so extraordinary and horrible as to be unexampled in history. The statements he was about to make were taken from documents which had not been contradicted. In Gallicia there existed the old relations between the proprietors and the peasantry, or rather the old system of that country. The mass of the nobility represented not only the large proprietors and gentry, but all freeholders; while the people were in almost a servile state. When the refugees came over into Gallicia, the whole of the local authorities there seemed to have been struck with a most extraordinary terror. They seemed to have imagined that all the proprietors of that country were about to rise in rebellion; and they considered themselves authorized to issue an order to the peasantry of that country to possess themselves of the persons of the proprietors in any way they could. On the 26th of February this order was issued by the Prefect of the province :—

> "I call upon the inhabitants of Tarnow that they shall take possession of the turbulent spirits (meaning the proprietors). To do this they may arm themselves with their scythes and their hatchets. They shall deliver them up to the Government; and I am authorized for this immediately to give to those persons who shall so deliver them up a sufficient recompense in money."

So it appeared the peasantry were authorized by the Government to give up to the local authorities the gentry of their country; and they were told to do so with their scythes and their hatchets, and that they should receive an adequate reward, Now, in any country such an order as this would be followed by the most injurious and disastrous consequences; but that was not all. They were told to bring in the proprietors living, if they could; but if they could not bring them in living, then to bring them in dead; and the local magistrate who made this proclamation said he was authorized to give the reward. There was no means of knowing whether he were or not; but it was to be hoped, for the honour of humanity, and for the honour of a great European Government, that he was not justified in making the announcement. That proclamation was followed by the massacre of 1,478 of the proprietors. 1,478 corpses were brought in to the Government, and rewards paid for them. Of these from 60 to 70 were the priests of the country; and of the remainder a large proportion were women, including some ladies of the very highest class. In one family sixteen members were destroyed. But there was no use in reiterating these facts. He was sure he had said enough to impress the House with a feeling of horror at the circumstance. But when it was over—when that awful sacrifice was accomplished—what then took place? Did the Austrian Government come in and repress those outrages? Did it declare that such things were horrible, and that the authors of such cruelties should be treated as criminals? No. The men who committed the most frightful of these atrocities were assembled together when an order came out, on the 12th of March, in these words :—

> "Faithful Gallicians: you have aroused yourselves for the maintenance of order and law; you have fought for the law, and you have destroyed the enemies of order."

This was the way in which their atrocities were acknowledged. And again, when one man who escaped demanded justice, justice was promised to him, but accompanied with this remark—"You have come dressed in mourning, but you have no right to mourn for the victims who have fallen;" and this was the only survivor of a family of which sixteen members had been murdered. If such events occurred in any country with which England had relations of even the most distant amity, he would say they would be perfectly authorized to speak of them in that House, and to call upon the Government to remonstrate—it might be in the most friendly spirit—with the Government which permitted such things to take place; but it was impossible to deny but that by the same Treaty of Vienna, the Poles subject to Austria, to Russia, and to Prussia, were, to a certain degree, placed under the protection of this country. The hon. Member for Montrose had quoted the article in which England guaranteed their constitutional rights; and if he spoke in over harsh terms of the manner in which these rights had been violated, it was simply because they were left in doubt by the Austrian Government as to the part which it had taken in these transactions. That Government knew what had taken place in this country on the subject—it knew also how strongly its conduct had been protested against in the French Chambers; and yet nowhere could he find that it had given the least explanation on the subject, or that it had attempted in any way to modify the opinion entertained of its conduct. On the contrary, there was published in the Government *Gazette* of the 28th of April, 1846, a statement from

Prince Frederick of Schwartzenberg, in which the acts that had taken place were declared to have been authorized by the Austrian Government. Should such events as those which had occurred in Cracow be allowed to pass without remark on the part of our Government? When the subject was discussed, in another place, much was said of the general humanity and the paternal character of the Austrian Government. He was not there to deny the truth of that character. On the contrary, he knew that the greater part of the subjects of that Government lived in as happy a relation with the State as was consistent with absolute government. He believed that of the absolute Governments of Europe, Austria claimed the foremost place in securing happiness to its people—at least as far as Germany was concerned, for as to its Italian States he would not speak—and in affording cheap and ready justice from man to man. Austria maintained an enormous army and an enormous police; but yet it adopted the brutal policy of setting class against class, and of putting arms into the hands of the lower, in order that they might massacre the class above them. He would not enter into the subject of the conspiracy in which those proprietors were said to be engaged. It was said that there was a great conspiracy hatching; and it was by these means that it had been frustrated. The Austrian Government said they were aware of this conspiracy; could they not have met it then with legal measures? Could they not have entrusted its suppression to the ordinary military and political power? They had not the excuse of a sudden outbreak; and if any had been attempted, the Austrians had not less than 80,000 troops within call. He would ask the House to imagine the Government of this country guilty of such acts—of its suspecting that some political difficulties were about to arise in any part of this kingdom, and of its arming the peasantry of England or of Ireland against the gentry, in order to prevent the conspiracy from proceeding farther. He hoped his noble Friend would not consider that he had in any degree compromised the right of this country to interfere. The few remarks which he offered were made in a spirit of moderation, and with an earnest hope that the Austrian Government might be able to cleanse itself of this great stain. He trusted they might be able to show that they were not guilty of those great crimes with which they were charged. To refer for a moment to the subject with which he had commenced, namely, the continued encroachments made upon the Treaty of Vienna, he should say that he thought it most injudicious for these German States to be continually setting aside the provisions of treaties. They had seen up to very late years a declaration expressed by other nations and people, that they were determined to tread under foot the Treaty of 1815; and if the German Governments used in this manner treaties towards the weak, they would perhaps find in the day of danger, when they appealed to those treaties themselves—when they were driven to call upon Europe to preserve those treaties on their behalf—they might perhaps not find the public opinion of Europe so ready to stand by and protect them in their rights as they would if they themselves had perfectly maintained and respected the rights of such weaker States as Cracow, which, however small and weak it might be, had still its rights guaranteed to it by the great Powers, one of which was England.

Viscount **PALMERSON** said: Sir, nothing can be more painful to men of proper feeling than discussions turning on the subject of Poland, because they relate to a great and a noble people, who, in former times, held a prominent position in the community of European nations, and who, by injustice of the greatest magnitude—though at a period now remote—were deprived of their national existence, and have gradually been absorbed within the territories of neighbouring countries. But the events to which these recollections apply are events which are now matters of history; and whatever may be the aspirations of those who belong to that nation, who, looking back to the ancient glories of their country, think that the time may arise when the former condition of Poland may be re-established, we, sitting in this House and knowing what are the treaties and engagements by which the Powers of Europe are bound, and by which the present distribution of Europe has been regulated, cannot in our considerations go farther back than the Treaty of Vienna. But to that we are ready to go, and on that we have a right to take our stand. Sir, the Motion which my hon. Friend has made, is one that I cannot think it my duty to accede to. My hon. Friend has moved for the production of correspondence which took place between the British Government and the Governments of Austria, Russia, and Prussia, now ten years ago, turning on a state of things then existing, and bearing on intentions which the British Government at that time entertained of sending a consular officer to Cracow. Sir, I think it was my duty on a former occasion to explain generally to the House the grounds on which a similar Motion could not be agreed to by Her Majesty's then Government; and I took occasion to state, that at that moment there were circumstances in operation which had created much irritation among the Powers who had signed the Treaty of Vienna; that there were differences of opinion on rights and facts which grew out of the different views entertained by those Governments and the Government of this country, with respect to a matter then at issue. They entertained different opinions from us, and we maintained different opinions from them; and I think it not right to produce the correspondence which passed between this Government and the Governments I have mentioned; but I am confident that the House, if that correspondence were produced, would not think that we did not maintain those opinions with proper dignity and proper regard to considerations of justice. But, Sir, I think that after ten years have passed since that correspondence took place, it would be very injurious to rake up the differences that existed at that period, and which had not any bearing on this subject. I even think that, with respect to the interests which I know my hon. Friend has at heart, the production of that correspondence would be injurious; and that those interests would not be assisted in any degree by the production of that correspondence. I never did attach so much importance as some Gentlemen have attached to the appointment of a consul at Cracow. In the first place, it is quite true, as my hon. Friend the Member for Pontefract (Mr. Monckton Milnes) has stated, that a consular officer is one whose functions require the consent of both parties before they can be exercised. He cannot act without an *exequatur* from the Government of the country in which he is to be placed; and it is acknowledged to be the perfect right of every Government to accept or refuse the placing of consular agents in any part of its territory. But I really, as I said before, cannot admit the great importance that is attached to this particular consular appointment. Whether the Treaty of Vienna is or is not executed and fulfilled by the great Powers of Europe, depends not on the presence of a consular officer at Cracow. It depends on the communications which may take place between the Governments which are concerned in it; and these communications are totally independent of a consular agent at Cracow, whose only duty would be to furnish you with information of what was going on there. That information in the present instance has been unfortunately but too abundantly supplied from other sources; and I do not think that either my hon. Friend opposite (Mr. M. Milnes), or my hon. Friend who made this Motion, will say that we required information from a consul at Cracow to furnish grounds necessary for us to make a communication to Austria on this matter. I shall be quite ready, however, to give my hon. Friend the Papers connected with the correspondence with regard to the present state of things which have been moved for in the other House of Parliament, and which it is quite fitting this House also should have before it. It is impossible to deny that the Treaty of Vienna has been violated in the recent transactions. The Treaty of Vienna is explicit in regard to Cracow. It distinctly states that the republic of Cracow shall be a free and independent State; and to that condition not Russia, Austria, and Prussia alone are parties, but Great Britain and France, and the other Powers of Europe that were parties to the general Treaty of Vienna are also made parties to that arrangement. It was foreseen, no doubt, by those who drew up that Treaty, that a small State like Cracow, placed between other larger and more powerful States, would need protection; that it was liable to be overrun by some of its powerful neighbours in the course of events that might very possibly occur hereafter. It was, therefore, for the interest and safety of Cracow, that it was placed under the protection of the three Powers. It was not placed under the protection of any one of the three Powers; but it was placed under the protection of all three, in order that their conflicting interests with regard to Cracow might afford a greater security for maintaining the independence of that small republic; and therefore nothing can be clearer than this—that the Treaty of Vienna imposes on the three Powers the duty of maintaining the independence of Cracow, and gives to none of these three Powers any right to overthrow or suspend that independence. At the same time it must be admitted, that if you give to

Cracow the rights of an independent State, you also impose on Cracow the duties of an independent State, and the responsibilities dependent on those rights. That is to say, when my hon. Friend stated that he saw in the Treaty of Vienna certain obligations imposed on Cracow, namely, the obligation of not harbouring persons dangerous to the safety of the neighbouring States, and that he saw no condition which afforded the means of performing that obligation; one must admit that if Cracow violate its Treaty engagements, the remedy is war, and those means which war between different countries afford. In the present case I believe the general outline of the fact to be, that it was known to the Governments of Austria, of Russia, and of Prussia, that there were going on plots and conspiracies, if you choose so to call them; at any rate that there were going on communications, the object of which was to produce an outbreak in the Polish provinces or dependencies of each of those three Powers. I believe that information to that effect was timely given to the three Powers. In Prussia measures were taken which prevented them being carried out—warning was given to some of the individuals concerned; arrests, precautionary arrests, were made, and no explosion of any serious kind took place. Now what happened at Cracow was this. It was imagined by the Government of Cracow that schemes were in progress, the tendency of the accomplishment of which would have been to disturb the tranquillity of the city; and application was made by the Government of Cracow for the entrance of foreign troops into their territory. Now, it is a different question, whether, if that was not sanctioned by the Treaty of Vienna, it was a violation of the Treaty of Vienna. It would, I think, be difficult to say that; and, I think, that in a just interpretation of the Treaty, that article of it which says that foreign troops should not enter into the territory of Cracow, must mean that they should not enter without the assent of the Government of Cracow. However, be that as it may, I believe the original entrance of the Austrian troops into the territory of Cracow was in consequence of an application from the Government. But then those Austrian troops retired. Why they retired has never yet been explained. With them retired the Government and the authorities of Cracow; the immediate, at least the early consequence of that retirement, was the establishment of a provisional Government in Cracow, and the inroad of troops from Cracow into the Austrian territory. That was undoubtedly an act of hostility. They seized the salt mines of Wieliczka, and some of the treasure there in store. No doubt the Austrian troops were justified in repelling that inroad, and it might have afforded sufficient reason for their pursuing those troops into the territory of Cracow, to prevent the recurrence of a similar incursion. Well, Sir, therefore in regard to those recent events in Cracow, I would give the three Powers credit for not having intentionally departed from the engagements of the Treaty of Vienna; but I maintain, undoubtedly, that when the emergency which they allege as the ground of their proceedings shall have ceased, it will be the duty of the three Powers to replace the republic of Cracow on the footing of complete independence, to which by the Treaty of Vienna it is entitled. Now, I hope that such is the intention of the three Powers: I have no knowledge to the contrary; but I rather think that the House will find amongst the papers which I shall be ready to produce, an assurance that that is the intention of the three Powers. I have too high an opinion of the sense of justice and of right that must animate the Governments of Austria, of Prussia, and of Russia, to believe that they can feel any disposition or intention to deal with Cracow otherwise than Cracow is entitled by treaty engagements to be dealt with; and I am quite sure that those Governments must be sufficiently sagacious to have seen of their own accord the force of the reasoning to which the hon. Member for Pontefract (Mr. Milnes) has referred, namely, that the Treaty of Vienna must be taken as a whole—that it cannot be permitted to any Powers to pick out from it articles which they choose on the one hand to have observed, or on the other hand articles which they are to be allowed to violate. And, Sir, I must say that if there are any Powers parties to that Treaty who have the strongest interest that the settlement of Europe which was effected by the Treaty of Vienna should be maintained, those Powers undoubtedly are the Powers of Germany; and it cannot have escaped, I am sure, the sagacity of those who govern those countries, that if the Treaty of Vienna be not good on the Vistula, it may be equally bad on the Rhine, and on the Po; and therefore I am convinced, that not only a sense of justice, but a sense of policy and of self-interest, will lead those Powers to see that the

Treaty of Vienna must be respected as a whole, and that it is eminently for their interests that that whole should in all its parts be observed. I need not, I believe, assure the House, that no efforts will be wanting on the part of Her Majesty's Government to bring under the consideration of the Governments concerned all those reasons and arguments which may be necessary, if indeed any be necessary, to confirm them in that course of proceeding. My hon. Friend (Mr. Hume) expressed his regret that in 1830 and 1831 a different course was not pursued. He expressed his regret that the late Earl Grey did not in 1831 hold the same language with regard to Poland which he had held in 1793. But I am sure that my hon. Friend and the House will see that the fact to which I have already referred, namely, the intervening circumstance of the settlement of Europe by the Treaty of Vienna was a sufficient reason why my late noble and lamented Friend could not in 1831 have taken the ground on which he might have stood in 1793. Of this too I am also sure, that every man who had the good fortune to know either publicly or privately that distinguished statesman, will feel that all that the most generous feelings of human nature, that the noblest sentiments which could animate man, that the highest intellectual attainments, coupled with the most statesmanlike abilities, could effect, was sure to be accomplished by Lord Grey. I think, therefore, Sir, that the character of Lord Grey must be a sufficient assurance to any man who may not know the circumstances of the case, that if more were not accomplished in 1831 than was achieved, it was owing to circumstances which made it impossible for this country at that time to have interfered more effectually than it did. My hon. Friend, carried away by his known warm and generous feelings in the cause of the oppressed, talks very lightly of making war with three Powers of the Continent in defence of Cracow or of Poland; but I am sure there is no man who would be more likely than my hon. Friend, on calm and deliberate consideration, to weigh, under such circumstances as we stood in 1831, on the one hand the chances of succeeding in such a contest, and to weigh on the other hand the chances of failing altogether even in attaining the object which he advocates. I say, then, with regard to Cracow, that I have, I trust, not an unfounded belief and conviction that the three Powers will respect the Treaty of Vienna, and that when the circumstances of the moment shall have passed away (as I trust they may almost now be considered to have disappeared), they will take steps to establish the territory of Cracow in the condition in which the Treaty of Vienna stipulates that it should be placed. I hardly like to advert, even for a moment, to the other topic which has been touched upon by my hon. Friend who made this Motion, and by the hon. Gentleman who succeeded him, with regard to the events which have passed in that country which adjoins Cracow—I mean in the territory of Gallicia. It is perfectly true that Gallicia forms a part of the Austrian Empire; and I differ from my hon. Friend in thinking that there is anything in the Treaty of Vienna which gives us a right to interfere in the internal administration of that province. But I am also ready to admit, standing here as we do as the representatives of a great and free country accustomed to discuss freely events which attract our notice, that we cannot be expected not to have individual opinions upon such transactions, and that Members of Parliament must be at liberty to express their opinion, even in cases in which the Government of England may not claim by Treaty any right of diplomatic interference. My two hon. Friends have alluded to occurrences which have lately taken place in Gallicia, which must have been listened to with the most painful feelings. I am afraid my hon. Friends have rather understated than overstated the facts. I am not speaking from official information, but I am speaking from that information which is open and public to every man; and I say, if we may believe the details of atrocity which took place in that province, that they are such as I might say are without example, I would almost say in any age, but certainly without example in the modern history of the world. I cannot believe that those proceedings were either sanctioned or known of by the Government of Austria. I am not in a position to deny that these proceedings owed their origin to the local authorities. I am afraid there is too much reason to believe in the correctness of the statement which my hon. Friends have made; but I am convinced that those events must have been learnt with great grief and affliction by the Government of Vienna. I never can believe that a Government like that of Austria, which prides itself on the maintenance of order, on its parental principles, treating in a kind and benevolent manner the subjects under its sway, could have learnt with any feelings but those of the greatest pain and affliction the disastrous events which have occurred in the province of Gallicia; and though it does not belong to the Government of England to interfere with a matter so exclusively within the competence of the Government of the country where those transactions took place; yet as an individual Member of this House, I may be allowed to express my conviction, that the enlightened men who govern the empire of Austria will feel it not only their duty, but their pleasure and satisfaction to take such steps as may be within their power, not to make reparation—for that I fear is impossible—but to mitigate, as far as is in their power, the miseries and calamities to which that unfortunate province has been subjected. I trust my hon. Friend will excuse me, if I do not feel myself at liberty to accede to the particular Motion he has made; but I think the papers I have offered will afford him information more practically bearing on the transaction, out of which, in point of fact, his Motion has arisen; and I can only assure him that, as far as proper representations on the part of the British Government can go, everything shall be done to ensure a due respect being paid to the provisions of the Treaty of Vienna.

Dr. BOWRING said, that whilst Poland remained what Poland was, she would still be the subject of disquietude—there would still be hopes, and efforts would be made for the redemption of that country. Those hopes would find a response in the bosom of every lover of liberty; and those efforts in spite of tyranny would find encouragement. It was not a question which would be easily settled; it had returned from year to year, and it would return again. He rejoiced that the Treaty of Vienna had been violated by those who made it—by those who had derived so much from it. The noble Lord said, wisely, that it would be very bold, impolitic, and reckless of the Powers of the north to treat that Treaty with indifference; yet they had done so—it was not respected for a moment when their interests prompted them to break it. He (Dr. Bowring) must admit that the noble Lord, who had just sat down, had done everything in his power to procure the appointment of a diplomatic agent at Cracow; and he for one, believed, that had there been a diplomatic agent in Cracow, such was the force of the British name, that terrible catastrophe would have been prevented. In conclusion, he repeated that this question would not be settled, even if the troops should be withdrawn from Cracow. The Polish question, in its entirety, must be returned to again and again; and if he lived till next Session, he should himself attempt to bring it before the House, in order to show that the state of Poland required the attentive consideration of this country.

Mr. M. GORE expressed himself much satisfied with the speech of the noble Lord the Secretary for Foreign Affairs. It was a speech worthy of a British Minister. He (Mr. Gore) assured the House that he felt great interest in the welfare of Poland—a country so eminent in many respects, so distinguished for the public virtue and patriotism of her sons; and which in former times rendered such signal service to Europe and to the civilized world at large. He trusted that the remembrance of these services would never be effaced, and that both here and elsewhere, throughout the civilized world, every lover of liberty would feel himself bound to do what he could to favour the decendants of that high-minded, gallant, and honourable race. He trusted that we, at least, would show to Europe and to the world, that the spirit of freedom and liberty and respect for national independence, still glowed as warmly and as brightly within the breasts of Englishmen as it ever had done; and as he trusted it would ever do to the latest generations. He begged to add, that, although the hon. Member for Montrose might not get all the papers he wanted, still the agitation of the question in that House, and the expression of public sentiment which it elicited, could not fail to have a beneficial effect in favour of the unfortunate Poles.

Mr. J. A. SMITH concurred in thanking the noble Lord for the speech he had made. He thanked him for the frank and generous way he had admitted that the Treaty of Vienna had been violated. He thanked him for the confession of his belief in the truth of the charges which had been brought against the Government of Vienna, and the avowal of his belief that the statement of horrors which had been alluded to was fully borne out by the facts. He thanked him for that avowal, because he had an entire belief himself in the truth of those representations. The noble Lord had declared his belief that the Government of Austria must have been ignorant of these horrors. He (Mr. Smith) wished, for the sake of humanity, that it was so; but he feared it was not. Austria, he contended, must have been cognizant of these horrors. He believed her to have been cognizant and approving of all that had occurred, because no one had been brought to trial, much less punished, for the revolting atrocities which had been committed; because the official agents of the Austrian Government had rewarded those who had taken the most active part in the massacres of Gallicia, and had never publicly been called to account for their conduct; and lastly, because the Emperor had officially and publicly expressed his thanks to the inhabitants of Gallicia, and had not even condescended to pay the homage which vice generally pays to virtue by affecting to condemn or regret the murders of a whole class among the population of one of his fairest provinces, and the commission of cruelties which were at first incredible, on account of their enormity; but which, authenticated as they had since been, would for ever be a stain and disgrace to the age in which they lived. He believed that the Austrian Government were not only cognizant of these acts, but that they prepared and instigated them; and however reluctant he might be to think the "paternal" Government of Vienna guilty of a crime of so deep a dye, he could not account for the withdrawal of Austrian troops from Cracow at a moment when the Government itself anticipated an immediate outbreak, unless they had meant to remove all restraints upon the actions of the misguided peasantry, and allow murder, robbery, and violence to revel in the possession of uncontrolled power. There was one man who, if any man was, was entitled to the highest esteem and love and veneration of Europe at large —he alluded to Prince Czartoryski; and he must say that the fact that, after the occurrences in Gallicia, Austria should have condescended to punish that man by the confiscation of the small remains of his property, did seem to him as the crowning reason for condemning that Government, and believing that she was justly charged with having shared in the evils and crimes which had occurred in Gallicia. He differed also with the views of the noble Lord in thinking that we had no right to remonstrate with Austria in regard to the occurrences in Gallicia. He had always understood that in the Treaty of Vienna it was an object of desire, on the part of all the parties concerned, that care should be taken to preserve the national character of those portions of Poland which had been allotted to Austria, Prussia, and Russia; and if so, the conclusion inevitably was, that we had a right to protest against what had recently occurred in Gallicia. He would not have intruded on the attention of the House, if he had not felt that the case was one which justified strong feeling and strong speaking; and which also justified them in calling on his noble Friend to rescue England from the shame of allowing such horrors to be repeated, or of being accused with justice of exhibiting apathy or indifference on the present occasion.

Mr. WYSE was rejoiced to hear such language, so fitted to a Minister of the Crown, and to the Parliament of England, on an occasion like the present, as that which had just fallen from the noble Lord. He hoped his noble Friend was right in his charitable supposition that the Austrian Government was not cognizant of the atrocities which had been committed in Gallicia: it was the only palliation which could be offered, but it was not enough: what should we henceforth think of the pretensions of Austria to superior vigilance —what should we think of the vigilance of any Government—to whom such horrors and designs in the heart of its States should or could be unknown? It was the policy of the British Government not unnecessarily or forcibly to interfere in the interior government of other countries; but at the same time, it well knew the moral influence of public opinion on all Governments—it well knew how that influence was increased when its expression was free, and that in no assembly on earth was it likely to be more so than in that of the House of Commons. He hoped that this country would long preserve its claim so to think and speak of other countries; and in exercising fearlessly such high duty, he (Mr. Wyse) believed that they were not only maintaining their own position at the head of the constitutional Governments, but benefiting other countries who had a very different constitution from their own. This friendly public remonstrance would not be without its use. It was for the interest of Austria to listen to it; it was for her interest to hear how men judged her conduct beyond the precincts of her Court; what they thought and spoke abroad as well as at home. True, the outbreak and massacres had in some degree subsided; but what had happened once, might, if not prevented by some such expression of opinion as had been heard to-night, happen, or be allowed to happen, a second time. To him it appeared one of the most dangerous, one of the most unaccountable of all political stratagems, for he could not dignify it with the name of policy. To incite the lower against the higher, the poor against the rich, the ignorant against the educated, the many against the few, might be in harmony with those fatal communist doctrines which had been allowed to be propagated of late years in more than one country in Europe; but striking as it did, not at external forms but at the heart and root of all government—of all order—of all security—and consequently of all industry and prosperity, it did appear to him most monstrous that such a state of things could have been suffered for one hour to exist in the heart of a monarchy which piqued itself on its wise conservatism and paternal regard for the very lowest of its subjects. Such doctrines had over and over again been denounced by every Government regardful of its duty and safety; and by none more earnestly than by Austria itself, as menacing with destruction the very foundations of all society. To find this same Government not checking, not correcting, but guiding and aiding these very same opinions in their fatal progress, and exciting one part of its population to carry them out against the other, did exhibit an inconsistency which in the present state of our information was utterly incomprehensible. No one could conceive that any Government could labour so earnestly for its own ruin; for true it was, whatever momentary advantage might accrue, it was at the expense of the deepest, truest, and most permanent interests of the whole community. This was a game not to be played in any country. The hand lifted up to-day against the aristocracy might to-morrow be raised against the monarchy. All Government rested on opinion, and they were the truest friends to Austria as well as to Gallicia, who like the noble Lord to-night proclaimed to her these truths in time.

MR. P. M. STEWART reminded the House that the Treaty of Vienna guaranteed the nationality of the whole of Poland as it stood before 1772. The nationality of Cracow depended upon another and a separate treaty. He thought that recent events ought to have taught them not to depend upon the forbearance of the three partitioning Powers. His noble Friend had stated, that he could not believe that there was any intention of destroying the nationality of Cracrow. But they saw other treaties violated, and why should not that in which Cracow was interested share the same fate? He did trust that the result of this discussion would be good to Poland, and the withdrawal of England from the suspicion of being a party to the violation of a Treaty to which she had been a consenting party.

MR. HUME, after the expression given by the noble Lord (Lord Palmerston) of his sentiments upon the subject, would readily withdraw his Motion.

Motion withdrawn.

SUPPLY—RETIREMENT FOR NAVAL OFFICERS.

House in Committee of Supply.

The HON. W. F. COWPER rose to propose that a sum of money should be granted to Her Majesty for the allowance to retired naval officers. He said the proposition he had to make was a renewal of the vote of last year; but a sufficient number of officers not having applied, the money was not used. The subject had been since under the consideration of the Board of Admiralty, and another plan had been adopted for the regulation of the retired allowance to naval officers with due regard for their feelings. As the plan would appear in an official way, he would not enter on the details; but he might say that the vote would be kept to the same amount of money as before, and that as the terms proposed by the late Board of Admiralty were not considered sufficiently favourable by the officers, the present Board were disposed to make more advantageous offers. They contemplated a retirement of 200 captains. They proposed that the vacancies should be filled up by officers of twenty years' standing, who had passed fifty-five years of age, and that the 200 vacancies should be given to the applicants by seniority from the list of captains—those in the first 100 receiving 14*s.* 6*d.* a day should have the rank and pay of rear-admirals, with the usual pension to widows. They proposed an addition of 7*s.* 6*d.* a day to the two lower classes of the captains' list, making up their pay to 1*l.* and 18*s.* respectively. They contemplated a reduction in the number of officers, but could scarcely ascertain which would be the definite number. It was felt that it would act with severe harshness on junior captains and lieutenants if their promotion were restricted; and accordingly good-service pensions might be retained by those till they reached the rank of rear-admirals. They proposed to fix an amount which would not be overstepped, for the great advantage to the public was that extent of the list was to be fixed. The immediate vote would amount to 30,000*l.* for the year; but if the whole plan were carried out, they hoped there would be an actual diminution of annual expenditure in consequence. It was felt that one cause of the inefficiency of our naval establishment was that men should be charged with the command of a fleet, who, however brave and experienced they might be, were unable to command it from age and infirmity. Promotion was clogged by the number of those who were placed on the lists after the last year. It was vain for us to have fleets of splendid ships, well equipped and manned, if they were under the command of men, who, however brave and skilful, wanted strength and energy. He thought the present plan would confer a boon on the officer, and lay the foundation for a better arrangement in the navy list in future.

On the Vote for 7,500*l.* being allowed to Her Majesty on account of retiring allowance to Captains, commencing October, 1845,

Sir C. NAPIER to the hon. Member for Hertford: "Hand me that paper." [Mr. Cowper: I cannot.] The gallant Officer proceeded to say, he thought it rather extraordinary for the hon. Member for Hertford to bring forward a printed plan, and not allow him to look at it. It was quite true he knew something of the plan, having read it elsewhere, but he might have made some mistake in it. It was rather odd that the hon. Member would not give it to him. [Captain Pechell: Report progress.] No, he would not report progress, he was too much interested in the question to do so. He had frequently, ever since he had sat in that House, brought the subject before them, and no one had ever supported him; but at last it was taken up by the Admiralty, and last year the Secretary of the Admiralty stated that the time was come for a sufficient retirement in the navy. The late Government brought forward their retirement. It was not so secret as this. Sir G. Cockburn was asked if it were definite or not, and said it was not so; and yet the very next day his plan was promulgated to all parts of the kingdom; and the officers repudiated and refused it. 30,000*l.* a year was granted for the purpose. The lowest class were to receive 100*l.*, and there was no limit to seniority. The consequence was, as he said at the time, one old officer, who had been promoted but twelve months, and was sixty years of age, sent in his acceptance. But then that was not what he wanted. He wanted to retire the old men at the top of the list, and not the old men at the bottom of the list. That was rejected, and the Admiralty had now been boggling about the new plan since February. This was a different plan. [Mr. Hume: What is it?] He did not altogether know. He thought it a most indecent thing to act as the Government had done. They would not tell the House what the plan was, but surely they had a right to know what they were to vote this money for, and if it were sufficient. He hoped the hon. Member would now hand it over to him, that he might explain the meaning of it to the House. He was most anxious to see out this affair, which had given great discontent to naval officers. They had been treated in a most infamous manner—to use no less a word—by the late Government. They were written to from the Admiralty—when the matter dropped their names were kept there as a rod hanging over their shoulders, so that when any of them applied for employment, the Lord of the Admiralty might say, "What is the use of employing this man—here is he applying to be put on the retired list?" They had been treated in a scandalous, and shameful, and most disgraceful manner by the late Board of Admiralty. As he understood the present plan, the first 100, who were very old captains, were to be put on a retirement of 25*s.* a day. How inconsiderate that was! If the whole 100 captains took the allowance, they would retain it and become rear-admirals; but if ten of the first 100 only were to take it— [The Hon. F. Cowper: Then it falls to the ground.] Well, that might be an extreme case; but next there were 200 officers on 14*s.* 6*d.* and 10*s.* 6*d.* a day, who were to receive 1*l.* and 18*s.* He had no doubt a great number of officers would accept it. They would retire with the rank of captain; but if they arrived within the time of their flags, they did not get into the position of those of the first class, and never rose beyond 364*l.* a year. Where was the justice of this? He would make the best he could of the grant of 30,000*l.* He would give all officers within the first 100, 400*l.* a year, which he thought was fair to them, if an officer got the rank of rear-admiral; those near the top of the list would not take the retirement alone, but if they got 400*l.* a-year some years sooner than they could get 464*l.* a year, and the rank of admiral, they would do so. The Admiralty expected that sixty or seventy would accept the allowance; but would it be fair to punish the remainder of the 100 who would not take it? According to the present plan, the man who wanted a month of fifty-five years of age, would have to remain years before he could get his allowance. If the first list were made 400*l.* a-year, and the second list 364*l.*, the whole of the money of the grant would be absorbed. There was one insurmountable objection to which he would never give his consent. The Admiralty began by driving officers into retirement. The oldest captains at the top of the list, who might have asked for employment till they were black in the face, were obliged to take the allowance. He knew a case in point: Captain Gordon, who was senior captain, would have to go on the retired list in spite of his teeth. The Admiralty was doing away with the act of a Commission of which the Duke of Wellington was a member, when they restored all the officers on the forced retirement. It was a most illiberal and unwise thing to re-establish the state of things which that Commission had abolished. They were going to make a forced, not a voluntary retired list, and by their conduct to disgrace these officers. He contended that the plan was totally unnecessary, and he would never give it his consent. The country was going to give 30,000*l.* for a retired list; but was there to be any assurance on the part of the Government that the list would be limited to a certain number? In 1830, there was a minute that there was to be only one promotion in three, and the country understood that that rule was to be rigidly carried into effect. But instead of one in three, the promotions were nearly three to one in some years; and the fact was, that the one in three was given for the private patronage of the First Lord of the Admiralty. If this retirement took place, it would give the First Lord of the Admiralty fifteen promotions in the year from captains to admirals. If the House granted the money, there ought to be an understanding that the vacancies were to be filled up, but that no one should be promoted till there was a vacancy. It was high time there should be some right system in the navy come to with regard to manning the ships, and offering better encouragement to enter the navy. If Mr. Green, a private merchant, having a fleet of twenty-two ships, found it economical and to his advantage to found a seamen's home for his men, why should not the Government appreciate the same advantages to arise from establishing a similar institution, to protect the sailors from the vagabonds who lay in wait for them on their arrival on shore?

Mr. HUME observed that, in 1827, when he exposed in that House various abuses which existed in the navy, an order was made that for every three deaths there should be one promotion. An order of date 28th of May, 1838, had put it into the power of the Admiralty to promote when they pleased. The House ought to have a list of the retired admirals, with their services, before voting the grant. With the present prospect of peace before him, the Chancellor of the Exchequer had better not call upon the House to agree to this half-prepared measure, respecting which the Government admitted they had not quite made up their minds.

The CHANCELLOR of the EXCHEQUER said, he should not be sorry to save any money; but he thought the Government could not in justice accede to the proposition of the hon. Member for Montrose. For himself, he never attached any great value to any plan of retirement; but a promotion to the value of 30,000*l.* had been promised to the naval service. The present Government found the promise given; they had had but a short time to consider the plan; but, although they were of opinion that some of the details might be improved, they thought it would not be fair if they did not fulfil the promise made to the service by the late Government. He did not consider the House or the Government pledged to the details of the scheme, and he had left it open to amendment, after hearing the opinions of the hon. and gallant Commodore and other Members of the House. Of all the difficult subjects he had ever had to deal with, nothing approached the promotion of officers of the army and navy, but especially the latter.

Captain CORRY heard with great satisfaction that the present Government were favourable to a well-considered plan of naval retirements. He would not find fault with the plan proposed by Government, though he did not think it so great an improvement on the plan of the late Government as the right hon. Gentleman seemed to consider.

ADMIRAL DUNDAS thought it extraordinary that on one side it was said the compulsory clause ought to be insisted on, on the other that it ought not. It was said that no man ought to be made a flag-officer who was not fit for service; but there were men on the list who could not be passed over: he would mention names—there was Sir J. Pechell, who, from ill-health, was incapable of service; yet what Board of Admiralty would venture to pass him over?

MR. WILLIAMS said, they ought not to agree to this vote without having some distinct plan laid before the House; the Chancellor of the Exchequer had scarcely given any explanation of it. He would do the late Government the credit of saying, that they never asked for money without being prepared to state the reasons for the vote; now, for two successive nights they had been asked for two important votes without having had any knowledge whatever of them. He thought this was treating the House of Commons with contempt. If a plan was laid down for a retirement, with a limit fixed for promotions afterwards, there might be some advantage in such a plan. He had heard that the Duke of Wellington objected to the present proposition—[" No, no!"]—he had heard it from good authority. The Duke said—and with sound reason—if they promoted the navy in this way, they must give him the power of promoting the generals of the army also; and there was nothing unreasonable in the demand. He did not see how the House could resist it from the Commander-in-Chief. Without some specific plan before them, he could not vote the money, and should divide the Committee against it.

MR. GOULBURN hoped the hon. Gentleman would not persist in dividing the Committee against the grant. It was very well to say he would not consent to the vote till they had some plan before them; but if one was proposed, would the hon. Gentleman support it? The proposition was in the nature of an offer to those officers who would accept it, and with this condition it was impossible to lay down an absolute plan.

CAPTAIN PECHELL said, the House was still in the dark with respect to the material parts of this plan, which remained unexplained. They were in the dark as to the reasons which induced the Government to give to two classes of captains only *7s. 6d.* in addition to their present pay. The late Government said they should retire 300 officers; the present Government said only 200. It was said the fund they had was small; but why not apply the 1½ per cent paid for the freight of specie on board ships of war to a fund of this description?

MR. COWPER said, that the hon. Member assumed that the Government had no plan. He, on the contrary, affirmed that the Government had a plan. Technically speaking, the House of Commons had nothing to do with plans which the Executive devised, or were to carry out. That which the House of Commons had to do was to vote or to refuse money.

CAPTAIN PECHELL wished to know if officers who had good-service pensions were to be permitted to retain those good-service pensions after becoming admirals, under the proposed arrangement.

The CHANCELLOR OF THE EXCHEQUER said, that the good-service pensions of captains were derived from a fund applied solely to captains, and the good-service pensions of admirals from a fund applicable only to admirals; and it had been the custom when a captain was promoted to the rank of admiral that the pension was not derived afterwards from the captains' fund.

Vote agreed to.

The House resumed, and adjourned at half-past Twelve o'clock.

HOUSE OF LORDS,

Tuesday, August 18, 1846.

MINUTES.] PUBLIC BILLS.—1ª. House of Commons Offices; Contagious Diseases; Spirit Licenses, &c. Duties; Turnpike Roads (Ireland).

2ª. Exclusive Privilege of Trading Abolition (Ireland); Drainage of Lands; Public Works and Fisheries; Commons Inclosure (No. 3).

3ª. and passed. Patent Commission; Naval Medical Supplemental Fund Society.

Received the Royal Assent. Sugar Duties (No. 3); Militia Pay; Religious Opinions Relief; Gauge of Railways; Books and Engravings; Adverse Claims (Ireland); Deodands Abolition (No. 2); Court of Common Pleas; Forms (Assessed Taxes); Highway Rates; Loan Societies; Turnpike Acts Continuance; Stock in Trade; Copyhold Commission; Grand Jury Cess Bonds (Ireland); Prisons (Ireland).

PETITIONS PRESENTED. By Earl Grey, from Free Colonists of Van Diemen's Land, respecting Financial Affairs of the Colony, and praying that a Free Assembly, to be elected by the Colony, be granted to Van Diemen's Land.

—By Earl Fortescue, from James Flynn, of the University of Dublin, praying that the Laws relating to Lunatic Asylums in Ireland may be assimilated to those now existing in Great Britain.

HOUSE OF COMMONS,

Tuesday, August 18, 1846.

Minutes.] New Member Sworn. For Saint Alban's, Benjamin Bond Cabbell, Esq.

Public Bills.—1°. Consolidated Fund; Public Works (Ireland) (No. 4); Public Works (Ireland) (No. 5); Poor Employment (Ireland); Constabulary (Ireland).

Reported. Small Debts; Income Tax Deductions; Lunatic Asylums (Ireland).

3°. and passed. Naval and Military Departments; Ejectments, &c. (Ireland); Rateable Property (Ireland); Steam Navigation.

Petitions Presented. By Mr. Hume, from Inhabitants residing in the Town of Bungay, in the County of Suffolk, and in the Town of Harlestone, in the County of Norfolk, complaining of the Monopoly of Printing Bibles.—By Lord George Bentinck, from Inhabitants of Manchester, praying the House to investigate the Working of the Anatomy Act, with a view to its Repeal.—By several hon. Members, from a great number of Chemists and Druggists, against the Spirit Licenses and Duties Bill.—By Mr. Corbally, from Clerks of Petty Sessions of the County of Meath, for Alteration of Law respecting Clerks of Petty Sessions (Ireland).—By Mr. Wakley, from Protestant Dissenters assembling for Religious Worship in the General Baptist Chapel in the Town of Saffron Walden, in the County of Essex, and from Inhabitants of Hammersmith, in Vestry assembled, for the Abolition of the Punishment of Flogging in the Army and Navy.—By Mr. Wakley, from Jean Mitchell, residing in the City of Glasgow, complaining of certain Proceedings in the Glasgow Small Debts Court.—By Mr. Wakley, from Debtor Prisoners of the Queen's Prison, Kingston upon Hull, for the Abolition of Imprisonment for Debt.—By Mr. Hume, from Ratepayers of the Parish of Kensington, against the Erection of a Workhouse for the said Parish.—By Mr. Spooner, from George Walter, Lieutenant of Royal Marines, praying the House to Examine and Report upon the Efficiency of a Life Boat invented by him.—By Mr. Wakley, from a great many Members of the Medical Profession, praying that the Medical Practitioners Bill may pass into a Law.—By Lord Marcus Hill, from Inhabitants of the Borough of Evesham, and from Retail Traders of Nottingham, praying the House to refuse to Railway Companies the Power sought by them to open Parcels committed to their Care.—By several hon. Members, from various places, in favour of the Small Debts Bill.—By Mr. Barclay, Lord George Bentinck, Mr. Brotherton, Mr. Bernal, and Mr. John Dundas, from several places, for the Adoption of Measures for Redeeming and Extinguishing the Tolls upon Waterloo, Southwark, and Vauxhall Bridges.

RAILWAY LEGISLATION.

Mr. MORRISON rose to move that the House do confirm the Resolutions reported from the Select Committee on Railways. The necessity for adopting these Resolutions arose from the fact that railways were monopolies, and that the Government should have some control over them. All plans for railways ought to be laid before the Government, and receive its sanction before the lines were formed. He presumed that there would be no objection to the recommendations contained in the Report of the Committee. The hon. Gentleman concluded by moving the first of the Resolutions:—

> "That it is the opinion of this House, that it is expedient that a Department of the Executive Government, so constituted as to obtain Public confidence, be established for the Superintendence of Railway business."

Mr. HUME said, that the Resolutions adopted by the Select Committee were absolutely necessary for the protection of the public, and he highly approved of them.

Sir G. GREY: Having been upon the Committee which adopted the Resolutions referred to by the hon. Gentleman, the House might expect that he should give some opinion upon the subject. With regard to the first Resolution which had just been moved by his hon. Friend, he could not offer the slightest objection to that, inasmuch as it embodied the opinion of three Committees of this House, and of one Committee of the House of Lords. But with regard to the specific duties to be imposed on the department to be hereafter created, he thought it would be inexpedient to fetter the House at this time with any particular recommendations. He would suggest that the best course would be to adopt the first Resolution, and perhaps the ninth Resolution also; and if these two met with the sanction of the House, then it might be desirable that a Bill should be prepared upon the subject. His right hon. Friend the Chancellor of the Exchequer had given his attention to the question, and it was intended by him to present such a Bill to the House before it rose for the Session; and his right hon. Friend would state the nature of the duties which he proposed that the board to be constituted should have to perform.

Lord G. SOMERSET said, that to ask the House of Commons to pass resolutions of this sort, which would have the effect of altering the whole system of railways. was rather a strong measure to introduce at this late period of the Session; though he approved of the constitution of a separate and distinct railway department.

The CHANCELLOR of the EXCHEQUER said, there was a very general concurrence upon one point, and that was, that it would be exceedingly desirable, without loss of time, to constitute a railway department, and to transfer to that department the powers and functions which were at present exercised by the Board of Trade. He was glad to find that the noble Lord (Lord G. Somerset) also concurred in that view. The Report of the Committee of the House of Lords stated that that was their view; the Amalgamation Committee of this House had done the same; and the evidence given before both these Committees had been reported, and was before each House of Parliament. They had now the Report of the Select Committee of this House on Railways before them, and their first Resolution was to the same effect—viz., that a Government Board should be constituted for the purpose of taking this subject under their control. But he apprehended that it would be difficult to do more in the present Session than merely to constitute that department. What the Government would be ready to do, therefore, with the concurrence of the House, was to introduce a very short Bill for the purpose of constituting that department, transferring to it such powers as were possessed by the Board of Trade, and, perhaps, some few powers in addition. He quite agreed that to render the board of the slightest utility it must be constituted so as to command the public confidence; it must be in communication with the Executive Government; some members of it must be permanent in order to carry on a permanent system; and he thought there should belong to it one Member of each House of Parliament, to answer any questions that might be put in either House respecting its proceedings. This proposition had been entertained by Her Majesty's Government; but, unfortunately, in consequence of the dangerous illness of the Secretary to the Board of Trade, some delay had occurred in preparing a Bill for carrying the contemplated arrangement into effect. He proposed to bring in a very short Bill for carrying out this object, and this object only; and if it met with the concurrence of the two Houses of Parliament, he should be glad to see that Bill passed through in the present Session, because he thought that during the recess a board so constituted would be able to put into shape those regulations which it might be necessary to embody in an Act of Parliament in the next Session. With that view he should be prepared to agree to the first Resolution now proposed, and also to the second, which transferred the powers now possessed by the Railway Department of the Board of Trade to the new Board. And he trusted early next Session to be able to submit to Parliament such a scheme as would prove of great advantage to the public.

The Earl of LINCOLN doubted the necessity or the wisdom of passing even the first Resolution. If it was the intention of Government to introduce a Bill constituting a railway board, it appeared to him to be unnecessary to pass resolutions which, to a certain extent, might prejudice the discussion that might ensue on the introduction of the Bill. He saw no objection to assert the general opinion of the House that a distinct railway department would be desirable; but he could not discover the utility of introducing a Bill at this late period of the Session. If there there were no department of Government on whom these preliminary inquiries respecting railways devolved, then he should say that it would be desirable to constitute a board at once, in order to be prepared to legislate on the subject next Session; but, as he understood the Chancellor of the Exchequer, the intention of the Government was to constitute a railway board, upon whom no functions were to devolve by the Bill to be now introduced; that such board was to be occupied during the recess in merely considering what functions they should have bestowed upon them; and that then, at the commencement of next Session, Government would be prepared to legislate. Although he admitted that the Railway Department of the Board of Trade had not operated so effectively as could have been desired, at the same time it must be remembered that there was there not only a fund of information, but a staff of persons who must be more competent to inform the Government of what was requisite upon the subject, than any new department that might be constituted. For his part he could not see any particular utility in bringing in any Bill now for constituting a new department of the Executive Government.

The CHANCELLOR of the EXCHEQUER explained. He was anxious that the first Resolution should pass; but he should abstain from introducing any measure upon the subject unless he was fortified by a Resolution of the Houses of Parliament. If the House of Lords and the House of Commons concurred in opinion, then he conceived that he should be justified in introducing a Bill even at this late period of the Session. What he held was, that to the board proposed to be constituted should be transferred in the first instance all the duties which were now performed by the Railway Department of the Board of Trade; and that it should include the greater portion of the existing staff of that department; that the board should see that the railway companies complied with the provisions of their Acts of Parliament; and that, in short, it should do all that was now done by the Board of Trade, in reference to railways. He thought also that, in addition to these duties, the board might consolidate and reduce to some order, the many conflicting recommendations which had been made to the Committee.

The Resolution agreed to. The remainder of the Resolutions were withdrawn.

CHIEF JUSTICESHIP OF BOMBAY.—APPOINTMENT OF MR. D. POLLOCK.

On the Motion for reading the Order of the Day for a Committee on the Small Debts Bill,

Lord G. BENTINCK said, that in rising on Friday last to address the House, it was his duty to make some observations on the practical legislation of hon. Gentlemen opposite; yesterday it was his duty to bring before the House the case of a *laches* with respect to the appointment of a magistrate in Lancashire, which he thought must have struck the House very deeply with the manner in which their duties were performed by Her Majesty's late Ministers; and to-day it was his duty to bring before the attention of the House and the country a job which had been committed with respect to the appointment of the Chief Justice of Bombay. At this moment there were two Chief Justices in Bombay. It would be in the recollection of the House that the division on the Coercion Bill which put her Majesty's late Ministers in a minority occurred on the 26th of June. On the 29th of June, the announcement was made to the House and the country, that Her Majesty's Ministers had resigned. On the 30th of June Mr. David Pollock, a Commissioner for the Relief of Insolvent Debtors in London, was appointed Chief Justice of Bombay. At that time Sir Henry Roper, the Chief Justice of Bombay, had not tendered his resignation to the Government. He was well aware that it was within the absolute power of the Government to supersede a Chief Justice of the Colonies; but he submitted that if it was within the power of the Government, it was contrary to the spirit of the Constitution that the Government should, for the mere sake of patronage, have superseded any one who held the office of Judge in any part of the Queen's dominions. He believed that Sir Henry Roper was in the seventh year of the performance of his duties as Chief Justice of Bombay. Five years' service would give to him a retiring pension of 700*l.* a year; seven years' service would entitle him to a retiring pension of 1,000*l.* a year; and the period of service which would have entitled him to the full retiring pension of 1,000*l.* per year would expire on the 2nd of November next; yet her Majesty's late President of the Board of Control, with the view, as he would show to the House, of perpetrating a job, had thought proper to supersede Sir H. Roper by appointing Mr. David Pollock, when there were yet four months before Sir Henry Roper would be entitled to his full retiring pension. But this was not all. There was another and more serious view of the case; and it was this—that by the law of the land, as soon as Mr. David Pollock was appointed Chief Justice, he became legally Chief Justice of Bombay; and the power and authority of Sir Henry Roper to try causes immediately ceased. The result of this was, that every trial which should be held by Sir Henry Roper, between the time of the appointment of Mr. David Pollock, and the arrival of the news of his appointment at the East Indies, would be an illegal trial, and every criminal who should be convicted —that was, capitally convicted and hanged —would stand before the laws of the country as a murdered man. And that was one of the ways in which Her Majesty's late Ministers performed the duties of their office. At that very moment (he did not know whether the Bill was actually in the House, but if it were not, he believed that it would be laid on the Table that night) it had been necessary to introduce into the other House of Parliament a Bill, which, under the title of the "Patent Commissions" Bill, was, in point of fact, a Bill for concealing this nefarious job, and at the same time for granting an indemnity to the perpetrators of it. The object of the appointment of Mr. David Pollock, was to create a vacancy in the commissionership of bankruptcy, wherewith to reward the private secretary of my Lord Lyndhurst; and the mode of proceeding was this: Sir Henry Roper was to be superseded by the appointment of Mr. D. Pollock, who held the office of Chief Commissioner in London for the Relief of Insolvent Debtors. Mr. David Pollock was again in his turn to be succeeded in his office by Mr. Phillips, the Commissioner of the Court of Bankruptcy at Liverpool; thus to make a vacancy there, to which Mr. Perry, the private secretary of the late Lord Chancellor, had been since appointed. He had nothing to say against the character of Mr. David Pollock. He did not wish to say or to insinuate that he was unfit for the discharge of the high duties to which he had been appointed. He believed that his legal attainments were great; and though he might be something out of practice as regarded that portion of the law which he would have to administer, from having been occupied for some time as an insolvent debtor commissioner, he did not mean to say that he was not fit to hold the office of Chief Justice of Bombay—though his age, being sixty-five, was rather greater than those who were sent out to the East Indies to fill the situation of Chief Justice had generally attained. Then, with respect to Mr. Phillips, he had nothing to say against his character, or against his legal attainments. He believed, that a more capable man for executing the duties of Chief Commissioner for the relief of insolvent debtors did not exist; and so far as he was concerned, it could not be imputed to him that he had taken any part in this job. The office which he had vacated entitled him to a salary of 1,800*l*. a year, and the office to which he had succeeded, entitled him only to a salary of 1,500*l*. a year. Private reasons, and feelings to which he would not advert, founded upon a domestic calamity which he had met with, had made it desirable to him personally to leave Liverpool, the place where he had met with that affliction. If it should be, that Mr. Phillips was indebted for his promotion to that office, and for the fulfilment of his wishes, by one ex-Chancellor, to the patronage and friendship of another ex-Chancellor, who, he (Lord G. Bentinck) might say, was as it were a second honorary Chancellor during the existence of the late Government—performing the legislative duties in the other House of Parliament which were abandoned by Lord Lyndhurst—taking the part, the difficult part, of defending Her Majesty's late Ministers against those attacks which were constantly made on them in that House, though not in this House—upon their honour and consistency in their late proceedings—if that was the fact, it was no disparagement to Mr. Phillips; and he (Lord George Bentinck) rejoiced that Mr. Phillips, through the interference of Lord Brougham, had obtained the appointment, if it were through his interference that he had obtained the object of his wishes. He had no charge to make against Lord Brougham, if, as the reward of his fidelity and zeal in the defence of Her Majesty's late Prime Minister, this sop was given to him to soothe and gratify his feelings. But when he came to another part of the case, and looked at the appointment of Mr. Perry, he was bound to say that this was a very great job. Mr. Perry, as he believed, had had no practice for many years in the courts of law; and, as he was informed, he was accompanied to Liverpool by Mr. Commissioner Holroyd, as it were, to dry-nurse him in the new duties he had to perform. He had treated of this matter, as though it was an appointment made by the Lord Chancellor Lyndhurst. He was well aware that the appointment of Mr. D. Pollock did not rest in the gift of the Lord Chancellor, but that it rested in the gift of the President of the Board of Control. He believed that the appointment was actually notified to Mr. Pollock unsought and unasked for by him; that, in fact, it was notified to him by the late Lord Chancellor, and pressed upon him. There was a rumour out of doors, that there had been a barter of patronage in this instance, and that in exchange for the patronage of the Chief Justiceship of Bombay the patronage of the living of Nocton, which became vacant on the death of the Dean of Windsor, four months ago, was given to my Lord Ripon. And he had yet to learn whether the living of Nocton had not been disposed of in exchange for the patronage of the Chief Justiceship of Bombay. He cared not whether the patronage was in the Lord Chancellor Lyndhurst, or in the late President of the Board of Control, Lord Ripon. It was a matter altogether pertaining to the late Government, and in which the late Government only were concerned. But to whomsoever the job belonged, it was a job, and one of the most nefarious jobs that he recollected during the eighteen years that he had had a seat in Parliament. It would be for hon. Gentlemen opposite to show him the precedent of any similar job of the kind. He must say that it was one which came with peculiar ill grace from Lord Lyndhurst, who, if he recollected rightly, in the year 1841, threw out the Charitable Trusts Bill, on the ground mainly that it was not fitting that a Government which was on the eve of a dissolution should have the distribution of so much patronage. Now, as the Government in the present instance was not on the eve of dissolution, but was actually defunct, when it made this appointment, he thought he was justified in saying that a more profligate avidity for patronage never was displayed by any Government. And he begged leave to say, also, that it contasted very strongly with the conduct of the same Ministry in respect to patronage of a different description. It contrasted strongly, and not very favourably, with the conduct of that Government as regarded the appointment to the Lord Lieutenancy of Norfolk. In that case there was a man who, if fidelity to his engagements and his party, if honour and consistency in politics, could have entitled him in the eyes of the late Ministry to a reward, was the person who more than any other was entitled to be appointed to the Lord Lieutenancy of Norfolk. But he had been guilty of a crime which the late Prime Minister of the Crown could never forgive. He had been guilty of the crime of consistency in politics, and fidelity to the principles and opinions which he had ever advocated. The appointment of Lord Lieutenant for Norfolk was, therefore, left open for thirty days, until the present Government came into power, that a person of politics and principles of action different from those which the right hon. Gentleman the Member for Tamworth had during the whole of his former life advocated, might have the chance of being appointed to the office. After what he had stated, he thought he was entitled to call for an investigation into the manner in which this patronage had been disposed of by the late Government. He thought he had a right to ask if the highest offices on the judicial bench were to be thus prostituted? He had a right to ask if so great an infraction was to be permitted, not of the law, but of the spirit of the Constitution, which made Judges irremovable? And he begged to ask his right hon. Friend the President of the Board of Control, if he were willing to lay on the Table all the correspondence which had taken place with respect to the appointment of Mr. David Pollock to the office of Chief Justice of Bombay? When this fresh instance was exposed of the administrative talents of the late Government, he felt confident that the country would be disposed to agree with him in saying that Her Majesty's late Ministers were not the only men in the country who were capable of managing its affairs. They would have the public believe that this were so, and that if they had been faithless to their political principles, and if they had betrayed the constituencies of the Empire, at any rate no other Government could be found so practically capable of administering the affairs of the country. He recollected on the night of the division which proved fatal to the existence of the late Ministry, that he heard it said by Gentlemen connected with the agriculturist interest, that he (Lord G. Bentinck) had sounded the knell of England's existence when he turned out the late Government; for that there were no other men than the Gentlemen opposite capable of governing the country; that the right hon. Baronet the Member for Tamworth (Sir R. Peel) was the only man fit to be Prime Minister; that the late Government alone were capable of practical legislation (of their skill in which we had had so striking an example in that Corn Law which was no less than five months under consideration); and that they were the only men who could be intrusted with the appointment of magistrates in the commission of the peace. Of the care which had been bestowed by them upon these appointments the House had had a pretty lesson in the confession made last night by the noble Lord the late Chancellor of the Duchy of Lancaster, that he had had two months' notice from the Chairman of the Commissioners of Excise, that a person, whom he afterwards appointed as a magistrate, was unfit to administer justice, especially in that part of the country where he had been guilty of the enormity of defrauding the Excise, and of which crime he had been convicted. To-day he (Lord G. Bentinck) had shown that these men, who appeared to be infallible neither in their legislative or their magisterial appointments, were no more immaculate in their distribution of patronage connected with the judicial bench in India. He therefore called upon his right hon. Friend (Sir J. C. Hobhouse) to lay before the House and the country all the information that it was in his power to produce with respect to the late appointment of Mr. David Pollock to the Chief Justiceship of Bombay.

Sir J. C. HOBHOUSE: In answer to the appeal of my noble Friend, I think the best thing I can do is to state to him and to the House exactly the facts of the case, leaving it to the House to make its own decision on that statement. Very shortly after I came to the Board of Control, my attention was directed to the circumstances of the appointment of Mr. D. Pollock to the Chief Justiceship of Bombay, in the room of Sir H. Roper; and when I looked through the correspondence connected with that appointment, I found that certain irregularities had taken place, which made it desirable, in my opinion, to call in the assistance of the law officers of the Crown. I had now better state exactly what was the correspondence which took place between Sir H. Roper and the Earl of Ripon on this subject. Sir H. Roper, on the 14th of February, 1846, wrote a letter in which he stated it was his wish to retire from the Chief Justiceship of Bombay, but that he did not wish to do so till the 2nd of November next, by which time he would be entitled to his seven years' pension, amounting to 1,000*l.* a year, as has been correctly stated by the noble Lord. If he retired after five years' service only, as the noble Lord also correctly stated, he would be entitled only to 700*l.* a year. This letter arrived in England and was received by the Earl of Ripon on the 27th of March following; and on the 4th of May the Earl of Ripon took Her Majesty's pleasure on the subject, and returned an answer to Sir H. Roper, that his resignation had been accepted from the 2nd of November, and that he would thus have his retiring pension of 1,000*l.* for seven years. On the 14th of June, the Earl of Ripon accordingly wrote to the Secretary of State for the Colonies, Mr. Secretary Gladstone, requesting that a patent might be made out in the usual form, granting to Mr. D. Pollock the appointment of Chief Justice of Bombay from the 2nd of November, 1846, and at the same time he communicated with the Chairman and Deputy-chairman of the East India Company, notifying that fact to them. It appears that on receiving this communication, the Secretary of State for the Colonies, consulting the proper officers on the subject, found it necessary to return an answer to the Earl of Ripon, that the appointment could not be made in that form, for it was illegal to appoint a judge in prospect; and the letter being so returned to the Board of Control, the Earl of Ripon wrote another letter to Mr. Secretary Gladstone, desiring him to have letters patent made out, appointing Mr. Pollock Chief Justice of Bombay. On the 1st of July letters patent, which I hold in my hand, were made out for Mr. Pollock, appointing him to that office, and containing a clause annulling the appointment of Sir H. Roper. The moment I saw this I thought it necessary to consult my hon. Friend near me (the Attorney General), it appearing to me, though unlearned in the law, that from the moment of Mr. Pollock's appointment in July, Sir H. Roper was no more Chief Justice of Bombay than I was, and that, in fact, all the trials which might take place from that time before him were *coram non judice.* In this emergency I thought it necessary to lay the case before Her Majesty's Attorney General, and take his advice as to what was best to be done; for it was quite clear, as the noble Lord fairly stated, that very unpleasant consequences might arise from this state of things; and that if any trials of a civil or criminal character were to take place in Bombay, serious consequences might be the result, unless something were done to remedy the irregularity. The consequence of this application was, that my hon. and learned Friend, after a good deal of consultation and time spent in examining the case, conveyed to me a written opinion, in which he stated it as his decided conviction that there was no remedy except by Act of Parliament; and that this Act should legalize whatever might be done in the interval between the appointment of Mr. Pollock and his arrival and taking his seat on the bench at Bombay. It was quite clear that this was the only course that could be pursued; and accordingly an Act was drawn up and was introduced by the present Lord Chancellor in the other House of Parliament, having the effect alluded to. I should state at the same time that there is already another Act in force, not referring to the judicial appointments, but to the colonial Governments, which had very much the same effect as the present measure, on the principle, and in some cases in the very words, of which it had been framed. I should also state that if this be an irregularity—as no doubt it is—that it is one which has not now occurred for the first time. The same accident, if accident it may be called, occurred in several instances, as I find, on looking over the records of my office, that Sir F. W. Macnaghten did not retire till the 8th of March, 1825, but that the patent of his successor, Sir C. Grey, was dated the 29th of November, 1824; Sir C. E. Grey did not retire till the 3rd of July, 1832, but the patent of his successor, Sir W. Russell, was dated the 28th of January, 1832; Sir J. Frank did not retire till the 15th of March, 1834, but the patent of his successor, Sir J. P. Grant, was dated the 24th of June, 1833; Sir Ralph Palmer did not retire till the

1st of January, 1836, but the patent of his successor, Sir R. Comyn, was dated the 11th of July, 1835. I state those cases to show that this irregularity had occurred before; and I certainly do not understand how they could have happened so often under the eye of the law officers of the Crown. Having stated so much, I do not know if it is necessary for me to say anything more on this subject. The Earl of Ripon took Sir H. Roper's letter as a positive resignation; though I should, perhaps, have called it a conditional one. He granted him what he required, and secured to him his main object—the retiring pension for seven years. It is not for me to make any comments on those facts. I should be most happy to give any further explanation if I had any more to give; and when the subject comes before us in another form, we shall be able to discuss it at large; but at present I cannot give my noble Friend any more information than I have given.

SIR J. W. HOGG said, with the matters to which the noble Lord had directed their attention, the East India Company had nothing whatever to do directly or indirectly. With the recall or the appointment of a Judge, they had no more to do than the noble Lord himself. But he thought it right to say that having occasion to communicate with Lord Ripon, as Chairman of the Board of Directors, on some matters of business, Lord Ripon, so far as his memory served him, told him in the month of May that he had received the resignation of the Chief Justice of Bombay, who wished not to resign immediately, but from November, when he would be entitled to a pension. Now, that was not unusual; but, on the contrary, the constant and universal practice. Before the introduction of steam, it was the invariable rule that all Judges, puisne and chief, gave a year's notice of their intention to resign, in order that another new Judge might arrive before the departure of the one retiring: this was a universal occurrence, and not merely accidental. [Sir J. HOBHOUSE: That is a mistake.] So far as his experience went, he never knew a case otherwise. He never knew the case of a single Judge who did not send notice to the Government of his intention to resign. But he begged to call the attention of the President of the Board of Control to the course adopted on the present occasion. He knew nothing of the matter personally. and was not aware of the exact particulars till they were stated to the House. It appeared, however, that Lord Ripon wrote to the Secretary of the Colonies, desiring that a patent should be made out, constituting Mr. Pollock Chief Justice from the 2nd of November. Now, he wanted to know from the President of the Board of Control why that was not done? [Sir J. HOBHOUSE: I stated why.] He understood his right hon. Friend perfectly to say that Lord Ripon was informed the thing could not be done; but still the question came to be, why could it not be done? Now, he begged to say he had in his possession a legal opinion signed by very competent legal men, that it could be done, so that this was a subject on which doctors did not agree. The late Sir W. Follett, and the law advisers of the East India Company, said that this could be done. He did not say that they were right, nor would he say that the present law officers of the Crown were wrong; but if the late Sir W. Follett and the other law advisers of the East India Company were wrong, the error had existed for at least a century. The point had been specially brought under the attention of Sir W. Follett and Sir F. Pollock; and when their attention was called to it, those learned gentlemen stated that it was competent to Her Majesty to appoint judicial officers in this manner; and that the persons so appointed should enter on the execution of their office on a day certain. He had a great respect for the learned Attorney General, and he thought it very likely that his law might be right; all he wished to point out was that the contrary practice had existed. The opinion to which he had adverted was given on the retirement of Sir E. Ryan. That Judge had written home to state his intention to retire; some doubt arose at that time; that led to the opinion of the learned gentlemen whose names he had mentioned being asked for. It was asked for in these terms:—

> "Whether it is lawful for Her Majesty now to appoint a person, duly qualified according to the Charter, to be Chief Justice of the Supreme Court of Judicature of Fort William in Bengal?"

The answer was—

> "We are of opinion that it is lawful for Her Majesty now to appoint a person duly qualified according to the Charter to be Chief Justice of the Supreme Court of Judicature of Fort William in Bengal; but as the effect of such appointment would be to supersede the present Chief Justice, we think it desirable that the appointment should be made to take effect at some distant day, so as coincide with the period of his intended departure. (Signed) "FREDERICK POLLOCK.
> "W. W. FOLLETT.
> "W. R. SPANKIE."

In this case the moment these letters patent were signed, Sir H. Roper ceased to be Chief Justice of Bombay; but in the case to which he had referred, the legal opinion stated that it was competent to Her Majesty to appoint a person duly qualified to be Chief Justice, to enter upon his office at a distant day, and that day should correspond with the day of his departure. The course there recommended, therefore, was the identical course that the Earl of Ripon took in the letter which he wrote on the first occasion to the Secretary for the Colonies, and that was the usual course, and the one generally taken. It was the course taken in the cases of Sir F. Palmer and Sir E. Ryan; and if the right hon. Gentleman looked to the letters patent he would find that they did not recall the appointment of the Judge in office when they were made out, but that they had a clause stating that the letters patent should take effect from the time when they were presented in India. This had been the practice for a century with regard to all appointments to offices in that country. Even in the appointments of the Governors General there was the same error, if this was an error; for if Her Majesty could not appoint a Chief Justice of India in this form, it could not be competent to the Imperial authority, the East India Company, to appoint the Governor General according to the same method. But the fact was, that ever since a Governor General had first been appointed, the appointment ran in the same form, and stated that it was to take effect when the new Governor General produced it in India. In the appointment of Lord Ellenborough, the commission ran, he believed, not that the appointment should take effect when he arrived, but when he joined the majority of his Council; so that the practice had been with respect to all officers sent from this country to India, that the retiring officer should remain in office until the new officer should produce his letters patent. The whole question arose from the form of the letters patent. If the letter which the Earl of Ripon wrote to the Colonial Office in May had been complied with, there would have been no difficulty at all in the matter. He must declare his ignorance of the parties; he hardly knew the names of the persons appointed till he had heard them from the noble Lord; and he had only risen because he thought the House ought to see what was the course which had always been pursued, and which the public convenience required should be pursued if it was legal; and if it was illegal they ought to have an Act of Parliament to amend it.

The ATTORNEY GENERAL must be allowed to correct the hon. Baronet as to what he said was the practice that had existed in former times. As the hon. Baronet had referred to the opinion of the former Attorney General, perhaps he might be allowed to say that, after mature consideration, and after communication with several legal friends in whom he had great confidence, he had come to the opinion, for which he was responsible, and which the right hon. Baronet (Sir J. C. Hobhouse) had referred to. But he had not given that opinion to the right hon. Baronet (Sir J. C. Hobhouse) until he had been fortified in his own opinion by the opinion of the present Lord Chief Baron; and that opinion had met with the entire concurrence of the present Lord Chancellor, with the entire concurrence of the late Lord Chancellor, and, he believed, with the entire concurrence of the late Attorney General. Sir W. Follett and Sir Frederick Pollock were undoubtedly quite right in saying that the Queen might now appoint, because the mere exercise of the pleasure of the Crown on making the new appointment vacated the former one; by that very act, and at that instant, was revoked the authority of the letters patent by which Sir E. Ryan was appointed. With respect to the practice the hon. Baronet (Sir J. W. Hogg) asked, why the Colonial Office did not draw up the patent according to the old practice? He (the Attorney General) had no right to know what was the reason; but he thought the Colonial Office was justified in point of law. From the earliest times it had been held—and if the hon. Baronet would look into Comyn's *Digest*, art. "Justices," he would find there in the very first head the law laid down—that a judicial office could not be granted in reversion. [Sir J. W. HOGG: There is no reversion here.] None of the letters patent, according to the old form, granted the office in reversion; all had a clause revoking the previous appointment; therefore this clause was not introduced into these letters patent for the first time. This patent followed former patents in that respect. It would indeed be a grave charge if any one said that Lord Ripon, or any one else, out of the ordinary course, had revoked the letters patent; but that was not the case; he had appointed Mr. D. Pollock in place of Sir H. Roper; and the letters patent contained a clause revoking Sir H. Roper's appointment. That was the unform practice of all the patents. The object of the Bill which had been introduced into the other House was to cure altogether the inconvenience which had been felt, and making in future all letters patent to take effect when the arrival of the new Judge took place, so as to prevent the seat being vacant.

Mr. S. WORTLEY said, the noble Lord's inquiry had given rise to a very important matter. It amounted to this, that no appointment of a judicial officer in India had taken place without there being a long interval in which the predecessor acted without any authority; and in Bombay, where there were but two Judges of the Supreme Court, there must be the greatest inconvenience in consequence. He was glad, therefore, that the error was about to be remedied. He perfectly agreed with the learned Attorney General; indeed, no lawyer could doubt it, that a judicial office could not be granted in reversion; but he was not so sure that a judicial office might not be appointed too, the appointment being made to take effect at a future day; and he was not clear that such an appointment, to take effect at a future day, might not be made at a time when the office was full. That, he thought, would not be an appointment in reversion, because a reversion was dependent on the tenure or seizing of an occupant; and it would not be a grant in reversion, because it would take effect at a specific certain day when the office would be vacant. It was but justice to Mr. D. Pollock and Mr. Phillips to say, that better appointments for the benefit of the public could not have been made. He must also add, that he knew that for some time previous to his appointment Mr. D. Pollock had been a candidate for judicial office in India; and, therefore, it was not correct to say, as the noble Lord had done, that he was appointed without solicitation on his part. Then, again, the statement that there was a pre-arrangement that Mr. Phillips should leave Liverpool in order to make a vacancy for Mr. Perry, was not correct; and he was sorry to see that in this, as in so many other cases, the noble Lord seemed to think that public officers must always act from base and unworthy motives. The noble Lord seemed to think that those who had been brought up in admiration of the principles of Mr. Canning—not having, with the noble Lord, taken the earliest opportunity of joining themselves with radical reformers; not having, like the noble Lord, abandoned the liberal commercial policy of Mr. Canning—must have this object before them. The noble Lord could not conceive that they adopted those measures which had lately been adopted with any other object than that of patronage, and, as the noble Lord called it, payment. The House had not forgotten how the noble Lord had charged the late Government with making false returns, the error merely being the mistake of a clerk. The House had not forgotten how the noble Lord had incautiously charged a noble Earl in another place—a man of the highest integrity and honour—with making a statement—for it amounted to that—while he had a document in his pocket at the time that proved the contrary. He was exceedingly sorry that the noble Lord again should have made one of these attacks; for it showed that it was impossible for the noble Lord to bring a statement of this sort before the House without imputing at the same time improper motives for it.

Mr. HUME did not think that the crimination which the hon. and learned Gentleman had just made against the noble Lord had anything to do with the statement before the House. If this was not a job, it was very like one. It seemed to him a very singular proceeding, and, in his opinion, a very important matter for Sir H. Roper. But there was another point. He held in his hand a document which contained a downright lie. Yes, in this document William Ewart Gladstone certifies to a downright lie. ["Hear!"] Well, an error, a mistake, if you like; but it is here certified, that Sir H. Roper having resigned his situation, and so on. Now, that is a lie; or, if not a downright lie, it is a mistake, I suppose; for Sir H. Roper had not resigned when this document was written. [The Earl of Lincoln: It is the ordinary official form.] Why should official forms lie in this manner? If a public document to be laid before Her Majesty might contain statements that were not true respecting individuals, who in this country could be safe? Sir H. Roper, whom he had not the pleasure of being acquainted with, gave timely notice to the Government that he wished to resign his seat. Last February, he said, he proposed to resign from the 2nd of November following; therefore the statement in this document, which was dated in July, was not correct, because it represented him as having then resigned. It must be remembered, that if Sir H. Roper's resignation were to be made to take effect before the 2nd of November, he would only be entitled to the retiring pension of 700*l.* a year; whereas if he were to resign on the 2nd of November he would be entitled to 1000*l.* a year: so that the Bill, as he understood it, would deprive Sir H. Roper of 300*l.* a year. After a Government which had resigned had acted in the way the noble Lord had stated—and he knew nothing of the facts beyond what the noble Lord had stated—he thought that the case called for particular animadversion. But, what he wished particularly to remark upon was, the gross injustice on the part of public men. Here was the late President of the Board of Control—a very good man, he admitted—and yet he, in his official capacity, had superseded a Judge who had been six and a half years on the bench in India, and who had, consequently, some experience of the practice of the law there, and sent out an individual who had no knowledge of the practice of the law in that country. This certainly afforded little encouragement to men in India to do their duty. Sir Erskine Perry, who was the junior Judge, had done his duty to the satisfaction of all parties, and yet he had been passed over in this appointment. Sir Erskine Perry had therefore been ill used; and he protested, on the part of that gentleman, against the gross act of injustice which had been committed towards him; for he no doubt looked forward—and ought to have looked forward—to succeed Sir Henry Roper; and he thought the House was obliged then to the noble Lord for bringing the matter under the notice of the House. He differed as much from the noble Lord in general as the hon. Gentleman who had spoken on the other side (Mr. S. Wortley); but that did not warrant him in blaming the noble Lord for bringing forward facts which were important with respect to the administration of justice. He thought that the House was much obliged to the noble Lord; and he considered the recriminations on the part of the hon. Gentleman neither well-timed nor just.

Mr. BERNAL defended the appointment of Mr. Pollock, and remarked that no particular blame was, in his opinion, attachable to the Government for passing over Sir E. Perry; for if the hon. Member for Montrose would look to Westminster Hall, he would see that no puisne Judge was ever elevated to superior authority in that court.

Mr. GOULBURN did not rise to complain of the noble Lord for bringing forward this subject. So far as any error might have taken place respecting the appointment of Judges, the House must be very much obliged to any hon. Member for pointing out defects of so serious a nature in the practice which had uniformly prevailed, and for affording the opportunity of correcting them. He did not pretend to any legal knowledge on the subject; but instead of attributing the fault of this appointment—made previous to the resignation of the present Judge, and thereby vacating the existing appointment, and perhaps rendering invalid judicial acts—to the Government of the day, he (Mr. Goulburn) would lay it rather at the door of Parliament, which gave to the Crown the power of superseding by warrant in this country a Chief Justice administering the law in India. For it must be obvious that if the law as now laid down was correct, and the Crown exercised the power of supersession, it did incur the enormous difficulty of vitiating all the acts of the person exercising judicial authority in India. That Government had taken the right course in this matter, no man could doubt; if an error existed, it was incumbent on them to correct it; and even if a doubt existed, to refer to the highest legal authorities, in order that it might be removed. What he complained of in the noble Lord was, that without a notice—for the intimation given by the noble Lord, from which no man could presume that a discussion would arise, was equivalent to no notice at all—the noble Lord should take upon himself to apply to a man as honourable as himself such phrases as "nefarious corruption" and "flagitious profligacy." The noble Lord had never been in office, and therefore could not judge of the motives which influenced official men; but if he were to judge of the noble Lord's feelings from the terms he applied to those on whom such responsibilities devolved, he for one did not envy feelings which led the noble Lord, without adequate information as to facts, or any knowledge but common rumour, to excite unjust suspicions against a man as upright and honourable as any who lived. That the noble Lord should suppose his noble Friend the late President of the Board of Control (the Earl of Ripon), to be so corrupt that for an antecedent period he should have been negotiating with the Lord Chancellor respecting an appointment to the living of Nocton, and should have made a corrupt arrangement regarding it, was little to the noble Lord's credit. His noble Friend had, by the letter which he wrote, called attention to a legal error which had long prevailed, not alone in this case, but in all others. It appeared most extraordinary that in the long course of years during which this practice had prevailed, no case had occurred in which an arrest of judgment was moved in India, and no attempt had been made to vitiate the proceedings of a Judge sitting without authority. However the law might stand, if any doubt existed, it was most important that an Act of Parliament should be passed to remove it. With respect to the present case, he had no opportunity of making any inquiries, or of consulting those who might have been able to afford information, his noble Friend the late President of the Board of Control, as well as the late Secretary to that Board, being out of town. He regretted that the hon. Member for Montrose should have employed such expressions in reference to the official document to which Mr. Gladstone had been a party, for though that Gentleman himself would probably not regard them, pain would be caused to those of his friends who might learn what the hon. Member had said.

Mr. HUME wished to explain, by saying that in designating the error an official lie, perhaps it was a wrong word—he did not attribute anything to Mr. Gladstone. But had the department set forth the facts truly, they would not have effected their object, and therefore they set forth the facts untruly.

Mr. HENLEY was of opinion, that the present time was a most opportune period to enter generally on the subject of patronage, and particularly as regarded judicial appointments, there being a Bill before the House which, if it became law, would confer great patronage in certain quarters. In reference to what had been observed respecting Mr. D. Pollock, he (Mr. Henley) could not gather from anything advanced by the noble Lord the Member for Lynn, that he said anything about the fitness or the unfitness for office of that gentleman; all he said upon the subject was, that Mr. David Pollock was about sixty-five years of age. The noble Lord did not say one word in disparagement of him, so that all that had been advanced about the fitness or the unfitness of Mr. David Pollock had nothing to say to the question before the House. The noble Lord the Member for Lynn was equally silent on the subject of "reversion;" but that was just introduced into the debate as a sort of set-off against more important matters: it was merely intended as a sort of diversion from the main question. Those matters had no more to do with the question propounded by the noble Lord, than they had to do with the north pole. It was a remarkable circumstance that the President of the Board of Control fully agreed in his statement with all the noble Lord advanced—on every point there was a complete accordance. As to the facts there could be no doubt: they stood completely undisputed. And what were those facts? A letter was received by the late President of the Board of Control, from Sir H. Roper, stating that he wished to resign his office on the 2nd of next November, which date would complete his seven years, and which would entitle him to a large pension. The noble Lord the Member for Lynn made no complaint whatever about Sir H. Roper being allowed prospectively to resign. In the ordinary course of business, a patent to the judgeship was to be made out; but on that point the noble Lord made no complaint at all, although when the authorities in the Colonial Office were called on to do so, the President of the Board of Control stated that he could not do what was required, and which it was distinctly unlawful to do. What it was intended by an Act of Parliament to remedy now, should have been done then, and it should have been done at once. But after the 1st of July, when the late Government was really put out of office by a vote of that House, they came down in breathless haste to get the matter settled, to fix Mr. D. Pollock in office, but without adopting one single step to cure existing illegalities. In all the preceding transactions of that kind, it was supposed that every transaction was legally conducted; but it now appeared that such was not the case. The House was told, but rather oddly, that Mr. D. Pollock made application for the appointment in India when he was not younger. How could that be done formerly by Mr. D. Pollock? How could he do a thing at a former period, and still not be older? He (Mr. Henley) could not comprehend such language, as the smallest portion of time must assuredly make a difference in a man's age. But, perhaps, that was merely an official mode of speaking—the official mode was one thing, the matter of fact mode was quite a different affair—for when it was stated that an official gentleman had resigned his office, yet the answer on the other side was, that he did not resign, that being merely an official way of doing business. The hon. Member for Bute said, he was taken by surprise. He (Mr. Henley) could not conceive how any hon. Gentleman could say he was taken by surprise, after the notice that had been given by the noble Lord. What was that notice? Lord G. Bentinck moved—

> "To ask the President of the Board of Control for an explanation of the circumstances under which the late appointment of Mr. David Pollock to the office of Chief Justice of Bombay was made, and for the correspondence relating there to"—

Which appeared in all the public papers. Did any one think that, when an hon. Member gave notice of his intention to ask the Government for certain Papers, but that such hon. Member would introduce in a speech the reasons which influenced him to ask for what was the object of his Motion? It was the usual practice. He hoped that the House would not be led away from their decision by the legal hare which had been started by the hon. Member the Chairman of the Board of Directors, or the personal matter introduced by the hon. Member for Bute.

The EARL OF LINCOLN agreed that it was most desirable the attention of the House should not be diverted from the subject before them. As regarded the allegation of the House not having been taken by surprise, he could answer for himself and many hon. Friends near him, that they had most certainly been taken by surprise. He contended that the matter had been brought before the House in a most unfair manner, when there was not a single Member of the late Government in town who was cognizant of the facts, and when there had not even been the opportunity for those who were acquainted with the circumstances to instruct their friends in town. They had no right whatever to expect that the matter would have been brought forward. It was certainly the practice when Papers were moved for, that a speech should be made; but the noble Lord had not given notice of his intention to move for Papers, and had put his notice in a form which could not possibly lead any one to suppose that he intended to bring forward the gravest charges against individuals. The noble Lord's notice was, that he woould mve for Papers, but that he would "ask the President of the Board of Control for an explanation of the circumstances under which the appointment of Mr. David Pollock to the office of Chief Justice of Bombay was made, and for the correspondence relating thereto." All he (the Earl of Lincoln) could say was this—and he pledged his honour as a Gentleman to the fact—that he expected the noble Lord the Member for Lynn would have done simply that which he (the Earl of Lincoln) thought ought to have been done under the circumstances, which was, to ask the President of the Board of Control to make that plain statement which he had just made; and then the noble Lord, having possessed himself of the facts and documents, would have afterwards made up his mind as to the form in which he would bring the case before the House. Due notice, at least, should have been given, when the late Lord Chancellor and the President of the Board of Control were to be attacked. But what were the facts? On the 4th of May, his noble Friend, then President of the Board of Control, wrote to Mr. Gladstone. [Sir J. C. HOBHOUSE: On the 4th of May the Queen's pleasure was taken as to the appointment. It was not until the 14th of June that the letter was written.] The dates were not very material to the facts to be established. The point he wished to impress upon the House was, that so far from the Earl of Ripon having applied to Mr. Gladstone to have the letters patent made out in the usual way, his application was that they should be made out, granting the reversion of this legal appointment to Mr. Pollock. Mr. Gladstone, acting no doubt under the advice of the legal authority of that department, wrote to Lord Ripon that that could not be done; but he did not call the attention of Lord Ripon to the fact, that what had generally been done was irregular. The impression therefore on Lord Ripon's mind, the course desired to be adopted being pronounced irregular, was, that the old course was the proper one, and that had no doubt been the course taken by every antecedent Government. He (the Earl of Lincoln) distinctly denied, so far as there was any information before him, that it was brought before the notice of the Earl of Ripon, that there had been an irregularity and illegality, and that that noble Lord had persisted in his course after having been informed of the error. What Lord Ripon had been informed was, that the patent could not be made out granting the reversion to Mr. Pollock.

Mr. DISRAELI said, that Gentlemen on the other side had not been taken more by surprise in this matter than many others. It was only by an accident that he had been present on the occasion. He was at a loss to understand, from the statement of the noble Lord, what were the grounds on which the late Ministers complained of being taken by surprise on this occasion, as they always did when any act of their Administration was challenged. He understood that it was the form of the notice given by the noble Lord the Member for Lynn, as it appeared on the Paper, that was the foundation for their allegation of being taken by surprise. His noble Friend the Member for Lynn had given notice that he was going, not to make a Motion, but to ask a question. Now, it was the ordinary practice in that House, when a Member was in opposition to Government, that he should, without intending to divide the House, give notice of a Motion for Papers, in order to raise a discussion, and give the opportunity for the expression of opinions impugning the policy of the Government. That was not the feeling of his noble Friend the Member for Lynn. Whatever other feelings might influence him, no one could suppose him animated by hostility to the existing Government. Therefore, he had not given his notice in the form which was usual when a Member was in hostility to the Ministry. His noble Friend had given notice of his intention to ask a question, and he was to ask for the production of correspondence; but under what circumstances? It was to be moved upon the Order of the Day, so as to give every hon. Member an opportunity of expressing his opinions. [The Earl of Lincoln: It was not upon the Order of the Day.] He begged the noble Lord's pardon. On the Order of the Day there was a series of notices, and one of them was by Lord G. Bentinck, in these terms. The hon. Member here read the notice. It was upon the Order of the Day that they were now speaking; and he asked any hon. Member, to whatever party he might belong, whether this could be supposed to be an ordinary question, to receive a mere official answer, and one upon which every body was to be stopped from expressing his sentiments? It would have been in every sense most unfair to have asked a question of this kind, and not have given the opportunity for discussion. What were the facts? Here was an appointment made by a Government *in extremis.* It had been said that similar appointments had been made; but had they been made under similar circumstances? He saw in the statement of the case an apparently very improper distribution of a bit of patronage, made, as he believed, by the noble Lord presiding over the patronage of India. But the name of a noble and learned Lord had been mentioned. No one intimately acquainted with that noble and learned Lord could suppose him influenced by selfish purposes. On the contrary, he (Mr. Disraeli) believed there never had been a public man animated by more generous impulses. He remembered that on one occasion the noble and learned Lord, expressing his opinions on the subject of patronage, said, that during a long, and it might be added an illustrious career, he had been influenced by three considerations—the first his duty to the public, the second his duty to his party, and the third his duty to his friends. He (Mr. Disraeli) believed those were the principles which animated Lord Lyndhurst, and was sure if this question were investigated, the conduct of the noble and learned would come out perfectly immaculate. But whatever might be his private convictions as to the character and conduct of Lord Lyndhurst, he could only see in this case a charge brought against a responsible Minister, holding the high office of President of the Board of Control, and accountable for all that had taken place. It was no explanation to come forward and refer to dates and quarter-days. Mr. Gladstone had made a certain representation. How had the President of the Board of Control acted? With the warning before him, he persisted in the same course; and in order to justify his conduct makes a certain recital in the patent. All the facts showed that he had acted not as other Ministers might have done, erroneously perhaps, but still in ignorance, but with a full knowledge of the circumstances, and completed the transaction at a time when the country had only the phantom of an Administration. The right hon. Member for Bute had chosen to make an attack upon the noble Member for Lynn, which, even if it were just, was wholly irrelevant, and had enlarged upon what he termed the gross attacks of the noble Lord. The extreme sensitiveness of the Members of the late Government had been remarked by many. Whether that sensitiveness arose from their present position or from their previous conduct, he (Mr. Disraeli) could not undertake, nor was it necessary, to decide. It was well known that persons under peculiar circumstances were tremblingly alive to what they supposed might be an imputation on their conduct. It was said that in persons who had lost their characters, especially when of the female sex, there was to be observed a great nervous irritability. He did not say that there was any analogy, or that any inference was to be drawn from this in regard to the late Ministers; but it was certain that when any allusion was made to them, they not only vindicated their own characters, but attacked those of others. The right hon. Member for Bute had, with an indiscretion not to have been expected from one so practised and so skilful a master of his weapons, referred to what all wished to forget and consign to oblivion—to that important Government return which, if it had not been intentionally falsified, was acknowledged on all hands to have been not correct at least; and the right hon. Gentleman referred to the conduct of the noble Member for Lynn on the occasion of what the right hon. Gentleman was pleased to call a clerical error. It was very well for the right hon. Gentleman to talk about clerical errors in Government returns; but he begged to remind the right hon. Gentleman that that "clerical error" remained undisturbed until his noble Friend had called public attention to it—that there were leading articles in the newspapers upon the subject—that the return in question formed one of the grounds upon which the House was asked to give their adhesion to one of the most important social and commercial revolutions ever attempted; and whether the error was a clerical error or not, the public were much indebted to his noble Friend for having been the means of giving publicity to it. With respect to the other part of the attack made upon his noble Friend by the right hon. Gentleman, in reference to the concealed despatch, his noble Friend had not accused the Government of concealing but of being actually ignorant of information bearing upon a subject they had brought before the House; and his noble Friend justly thought that proof of ignorance was a weighty imputation upon a Government then recommending a particular measure to Parliament grounded on the assumed fact that the sympathies and opinions of a certain population were in favour of it, while information was then in London proving that that population did not so sympathize with it. But the late Government were never easy unless they supposed there was some imputation on their personal honour. Then the right hon. Gentleman, not satisfied with these attacks upon the noble Lord relating to particular occurrences, run a-muck at him and made another onslaught, on the ground of political inconsistency, and, taunting the noble Lord with professing to represent the opinions of Mr. Canning, accused him of being a radical reformer in 1831. He did not know what the right hon. Gentleman meant when he said the noble Lord had been a radical reformer. It might, perhaps, be difficult for any one to define exactly with a radical reformer was. His noble Friend had voted for the Reform Bill. He voted for that scheme of reform which the right hon. Member for Tamworth, of whom the right hon. Gentleman opposite was one of the few supporters, had declared he would stand by. If, then, voting for the Reform Bill was to be a radical reformer, then the right hon. Member for Tamworth and his few followers were radical reformers. He did not know whether the noble Lord the First Minister of the Crown and his friends were willing to accept the title of radical reformers; but they also voted for the same measure of reform as his noble Friend. He was not about to offer any remarks—it would be presumptuous and unnecessary to do so—upon the measure of Parliamentary reform; but this he must say, that the right hon. Gentleman, who was so fierce in his attacks, and so free with his imputations, should remember that the sole and only cause of that celebrated political project becoming the law of the country, was that a nobleman, distinguished for his talents and powerful from his influence, but celebrated for opinions antagonistic to reform, wavered in those opinions, and placed himself at the head of a political party called the waverers, and caused that Bill to become the law of the land. It ill became the right hon. Member for Bute, therefore, on this as on other occasions, to impute radical opinions to any one who supported the Reform Bill, when he recollected by what personal influence and agency that Bill was carried. It seemed to him (Mr. Disraeli) that no answer had been given to his noble Friend the Member for Lynn. He believed that the conduct of the noble and learned Lord to whom he had already alluded would come out pure from the ordeal of any investigation into the matter; but it did not therefore follow that there were not other persons equally noble—he would not say equally learned—enjoying place and power almost as great, who had taken, perhaps in one instance the most obvious, and in others the more secret, part in this transaction, and who had not committed themselves to a course of conduct which required Parliamentary investigation, and which would, as he believed, ultimately receive public reprobation.

Order of the Day read, and Bill passed through Committee.

MANNING THE NAVY.

On the Question that the Order of the Day for bringing up the Report of Supply be read,

Mr. BERNAL begged to call the attention of Her Majesty's Government to the necessity which existed for providing experienced seamen for the British navy. He had no doubt that, under the care of his noble and right hon. Friends in office, the country would be supplied with as fine a navy as ever swam the seas, and that, so far as the *matériel* was concerned, there could be no complaint. But, in order to maintain the naval supremacy of Great Britain, it would be absolutely necessary that effective measures should be adopted for the manning of those fleets. Mere *matériel*, without *personnel*, would be insufficient, and he therefore called upon his noble Friend to state before they separated whether the Government had given attention to the question of how the British fleet was to be manned hereafter. It was well known that at present there would be great difficulty in manning twenty additional ships, should necessity arise for them, with efficient men, properly trained and accustomed to gunnery. It was in that respect the greatest difficulty existed. There was no school for training British seamen to the use and practice of marine artillery. After a three years' cruise, just as the men on board a vessel were thoroughly trained to all their duties, just when they had all become able practised seamen, they were paid off and discharged. He would strongly recommend the adoption of some plan by which practice should be secured to the men. The coast guard, for instance, could be erected into a sort of school. Heavy marine guns could be sent to the several stations, where the men could be practised in their use, and by that means the nucleus of a marine reserve force, to the number of 8,000 men or thereabouts would be provided.

Captain BERKELEY had taken almost the same views as the hon. Gentleman had now expressed. He (Captain Berkeley) had always thought and said that it was perfectly useless for this country to possess a fine fleet, if they did not take measures for manning it efficiently. Before he held office at the Admiralty, he had always maintained that sufficient attention had not been paid to the manning of our ships of war; and now that he was in office, he would do all in his power, in conjunction with the noble Earl at the head of the Admiralty, to provide an ample supply of efficient seamen, who might be available for the naval service. He was happy to say, that during the short time he (Captain Berkeley) had been at the Admiralty, a large body of able and efficient men had joined Her Majesty's navy, and that the enlistments were rather increasing than decreasing. He hoped before the next Session to be prepared to submit a plan to the Government which would place at their disposal a body of thorough seamen, who within forty-eight hours would be available at Portsmouth or Plymouth in sufficient numbers to man a fleet.

Mr. WILLIAMS considered the matter to which the hon. Member for Weymouth had directed attention, was one of very great importance. The present system of manning the navy was very inefficient, and no inducements were held out to the men to remain in the service. He was informed that many of the men who had recently been discharged from the *Excellent* had entered the American service.

Admiral DUNDAS most positively contradicted the report that had gone abroad that some of the men discharged from the *Excellent* had entered the American service. The fact was, that a great number of British seamen had recently left the American service to enter our own. Indeed, the British naval service had lately been very much improved; there had been fewer punishments, the men had been better fed and clothed, and the complaints had been less frequent than formerly.

Mr. COWPER considered the remarks of the hon. Member for Weymouth (Mr. Bernal) very important. The maritime defence of the country involved not only its safety but its very existence; and this country could not expect to maintain the position she did in the world unless she had a large disposable force upon any sudden outbreak of war.

Report agreed to.

House adjourned at a quarter before Seven o'clock.

HOUSE OF COMMONS,

Wednesday, August 19, 1846.

MINUTES.] NEW MEMBER SWORN. For Kilkenny County, Richard Smithwick, Esq.

PUBLIC BILLS.—1°. Railway Commissioners.

2°. Consolidated Fund; Public Works (Ireland) (No. 4); Public Works (Ireland) (No. 5); Poor Employment (Ireland); Constabulary (Ireland).

Reported. New Zealand Loan Act Amendment; Customs Duties (No. 2); New Zealand Government; Tithes Commutation; Private Bills.

3°. and passed. Income Tax Deduction; Lunatic Asylums (Ireland).

PETITIONS PRESENTED. By Mr. Mark Philips, Mr. Chancellor of the Exchequer, Captain Layard, and Sir John Pakington, praying that the Spirit Licenses and Duties Bill may not pass into a Law.—By Mr. Henry Berkeley, from Members of the Bristol Auxiliary Peace Society, and Members of the Committee of the British Anti-War Association, and by Mr. Montague Gore, from Mayor, Aldermen, and Town Council of the Borough of Barnstaple, in the County of Devon, for the Abolition of the Punishment of Flogging in the Army and Navy.—By several hon. Members, from a great number of Medical Practitioners, in favour of the Medical Practitioners Bill.—By Mr. Hume, from Robert Scott Burn and John Howden, Patent Solicitors in Edinburgh, and Agents for the National Association for obtaining a Reform of the Patent Laws, praying the House to take into consideration the present Patent Laws of Great Britain, with a view to their Alteration or Amendment, their Assimilation to the Patent Laws of Continental Kingdoms, or to the Law of Copyright at present existing in this Kingdom.—By Captain Layard, from Members of the Relief Committee of the Hollymount Union, and from Members of the Gallen and Costello Relief Committee, County of Mayo, suggesting Measures of Poor Relief (Ireland).—By Sir John Pakington, from Inhabitants of Pershore, in the County of Worcester, and by Mr. Edmund Turner, from St. Austell, in the County of Cornwall, in favour of the Small Debts Bill.—By Viscount Ebrington, from Householders, Workmen, and Inhabitants of and in the Vicinity of Hampstead Road, in the Borough of Marylebone, for the Adoption of Measures for Redeeming and Extinguishing the Tolls upon Waterloo, Southwark, and Vauxhall Bridges.—By Mr. Hume, from James Hayman, for Alteration of Law respecting Weights and Measures.

THE CHIEF JUSTICESHIP OF INDIA.

On the Motion that the Orders of the Day be read,

LORD G. BENTINCK said: I beg leave to ask the indulgence of the House whilst I make an explanation to the House which is very painful to myself. It will be in the recollection, Sir, of the House, that in the course of the observations which I made yesterday, I was guilty of insinuating that in the job of which I was treating, in addition to all that had been done as regards the appointment to the office of Chief Justice of Bombay, a barter of patronage had taken place between Lord Lyndhurst and my Lord Ripon. Sir, I made that statement on an authority on which I thought, and think now, I was entitled to place confidence. I made that statement on the authority of a gentleman high in his profession, who volunteered, on seeing the notice that I had publicly given, to write a statement which he requested might be laid before me; and who, from his close relationship with the living of Nocton, I thought could not by possibility be mistaken in the facts—the circumstantial facts—which he stated in that letter to me. Sir, acting in the perfect confidence of the truth of that statement, so circumstantial in respect to the living of Nocton, and so correct as I knew it to be in every detail as regarded all the other appointments, I ventured yesterday to state that such a report existed out of doors. I stated it as a report, though, on my conscience, I believed there was no doubt about the fact. In order that any such barter as that could have taken place, of course it was necessary that the presentation of the living of Nocton should be in the gift of the late Lord High Chancellor of England. My correspondent stated as a fact that the living was in the gift of the Lord High Chancellor of England; but having an opportunity of looking last night into a book called the *Clergy List*, I discovered to my amazement—and I will say, considering the charge I made, to my perfect horror—that the living of Nocton was not in the gift of the Lord High Chancellor at all; and therefore, that it was utterly impossible there could be any foundation for the charge I had made of a barter of patronage between Lord Ripon and Lord Lyndhurst. I thought it my duty to come here to the House; and in the face of the House and of the country, as publicly as I made the charge to retract it. I could not rest a moment under the feeling that I had been guilty of aggravating a charge against any persons. I have come here, therefore, in the fullest and the amplest manner to make the best amends in my power, and to offer an apology to both those noble individuals for having been made the means—the innocent means—of propagating a charge so discreditable to them. And, Sir, if I have hurt their feelings for the space of four-and-twenty hours, I can assure them that they will have ample compensation in the feelings of deep humiliation which I entertain for having brought forward such a charge against them.

CONSTABULARY (IRELAND) BILL.

MR. LABOUCHERE moved the Second

Reading of the Constabulary (Ireland) Bill, the main object of which was to carry out the pledge given by Her Majesty's late Government, on the occasion of the discussion on the Corn Bill; and to take on the Consolidated Fund that portion of the charge of the constabulary force now paid by the counties in Ireland. He would add, that though he should be at any time reluctant to withhold a boon promised to the Irish counties, he would feel particularly so at the present moment, when they had just passed a Bill which threw on the property of Ireland the charge of relieving the distress consequent on the failure of the potato crop in that country. There was another point in the Bill to which he wished also to allude. The hon. Gentleman appeared to look on this measure as one of coercion. He had utterly to deny that there was anything of coercion in it, or that there was anything unconstitutional or anomalous in its provisions. It added to the Lord Lieutenant's powers of increasing the reserved force of the Irish constabulary; but whether that reserved force consisted of 200 men or of 400 men, involved no constitutional principle whatever. By the Bill as it now stood, if any district in Ireland became disturbed so as to require an additional police force, it was provided that the expense of that additional force, so long as it was required in the district, should be paid, as at present, at the expense of the county. These were the main objects of the Bill; and he trusted that it would therefore receive the support of the House.

Mr. T. DUNCOMBE had to thank the right hon. Gentleman for his explanation. He perfectly recollected that when the Corn Bill had been introduced, there was a pledge that the counties of Ireland should be relieved from the expense of the constabulary force in the event of that Bill passing. It was, he thought, quite right that that engagement should be carried out, as Parliament was pledged to it; but at the same time he must say, that a great constitutional principle was involved in the Bill, to which the right hon. Gentleman had not at all alluded. The right hon. Gentleman said, that the reserved force was to be increased by 200 men; but he lost sight of the provision by which, in a district declared to be disturbed, the Lord Lieutenant should have a power to increase the police force to any extent that he should think proper. The right hon. Gentleman appeared not to have read his own Bill. It was not 200 additional men, but 2,000 or 50,000 men, that might be sent into any particular district by the Lord Lieutenant; and to increase in that manner such a force, which was virtually a military force, was, he maintained, unconstitutional. It was unconstitutional that the Lord Lieutenant should have the power of increasing a part of the standing army to any extent he thought proper, and of putting his hand into the public purse to support it. The Bill had been printed only that morning, when this unconstitutional principle was for the first time introduced into it; and he thought time ought to be given, both to the country, to Ireland, and to the House, to consider it fully. He would, therefore, move that the second reading be postponed for a week.

Mr. PIGOTT said, this Bill did not alter the law as it at present stood, under the Constabulary Act, by which the number of the constabulary force to be permanently employed in every county was fixed; so that beyond a certain maximum the Lord Lieutenant could not go. But by the existing law, the number of the force employed in any county might be increased temporarily in the following manner. On the representation of two or more magistrates met at sessions for the purpose, the Lord Lieutenant might increase the number of constabulary in any district. That provision of the law was continued in the present Bill. The Lord Lieutenant could not increase the police force in any district, without such a representation being made to him. But besides that, the Lord Lieutenant had a power of augmenting the number of the constabulary in a district without the consent of the magistrates, to the extent of fifty men; but it was understood that any such augmentation was to be altogether of a temporary kind, and only to continue while the district remained disturbed. The present Bill altered that arrangement, because it might happen that fifty additional men might not be a sufficient number to effect the purpose required. He would remind the House that in the late discussions on what was called the Coercion Bill, it had been alleged that the county of Leitrim was quieted by an extraordinary application of the military and police forces; and those who opposed the Bill argued, and as he thought truly, that by similar means, namely, an augmentation of the forces in the district, and proper patrolling, similar results would be accomplished in the other disturbed districts of the country. It was, however, thought that a limitation of the additional force to the number of fifty men, would not be sufficient in all cases; and it was accordingly proposed to put the necessary power into the hands of the Lord Lieutenant, to exceed that number should he think it required. There was, however, no intention to make that power permanent. Whenever the necessity should cease, and the proclamation should be withdrawn or should expire, the entire of the augmented force should be withdrawn, and removed to the reserved depôt in Dublin. It was proposed that the disturbed district should pay the expense of the additional force while it would be required; and that provision would, he thought, afford a security against the force being continued in the district longer than the necessity required.

Amendment withdrawn. Bill read a Second Time.

CLAIMS OF THE ARMY.

Sir DE LACY EVANS rose to propose the Motion relative to rewards for the army of which he had given notice. In bringing forward this Motion, he believed he was justified in saying that the officers of the army were less considered and less fairly rewarded than officers in any other department of the State. That circumstance, coupled with the fact, that some years had now elapsed since any statement on behalf of the officers of the army had been made to the House, induced him at the present moment to press the subject upon the attention of the Government. The claims of the army were often met in that House in a very summary manner; the answer being, that the expenses of the army, navy, and ordnance departments were already so great, that nothing more could be done for that particular branch of the service. He wished the House to remember, however, that not less than 5,000,000*l.* sterling of the amount voted for those services had nothing whatever to do with the *personnel* of the armed force—such, for example, as the packet service, the convict service, the building of ships and docks, and numerous other items, from which neither the army, the navy, nor the ordnance derived any benefit whatever. During the advocacy of the claims of the navy, constant allusion was made to the age of the officers holding the ranks of captains and commanders; and there could be no doubt, as stated in the Report of the Commission of Naval and Military Inquiry, that the ages of the naval officers generally were so far advanced, as in many cases to preclude the possibility of expecting good and efficient service from them. But the Commission added—

> "And doubtless an equal degree of inefficiency would have been shown in the army, if the statements had contained, as those from the Admiralty do, one general table of all ranks, either in full pay or in retirement, or who had at any time belonged to the service."

He believed that the colonels averaged forty-seven years in the service. To show that the power of giving promotion was more frequently used by the Admiralty than by the Commander-in-Chief, he would refer the House to the evidence of Lord Fitzroy Somerset, given before the Committee in 1833. Lord Fitzroy Somerset said—

> "Perhaps it may not be generally known that the promotion of the army without purchase, which is the only promotion that affects the public purse, is much less than it is in the navy. In 1831, one major was promoted to be lieutenant-colonel, while seven commanders were made post-captains; seven captains of the army obtained majorities, and fourteen naval lieutenants were made commanders."

He did not wish to prejudice the claims of the navy—he considered them of the strongest character; but he contended that, neglected as both services had been, the army had been much more neglected even than the navy. He would now take the allowance granted to retired officers of both officers, and he would place them in juxtaposition. There were 619 naval captains on the half-pay list, with an allowance of 130,003*l.* a year, and 669 commanders, with an allowance of 107,665*l.* a year, altogether 237,668*l.* Now, what was the amount in the army?—and the House must remember that there were in the army, of all ranks, 139,000, whilst in the navy there were only 29,500. In the army the half-pay list of officers of corresponding rank with captains and commanders in the navy was as follows:—

195 lieutenant-colonels	£41,155 a year
281 majors	48,754 "
In all	£89,909 "

as against 237,668*l.* Again, the naval retired list was much higher than the army retired list. In the navy there were

52 captains	£10,110 a year
292 commanders	40,067 "
Altogether ...	£80,177 "

whilst against that, in the army were—

20 lieutenant-colonels	£6,205 a year
20 majors	5,840 "
20 lieutenant-colonels, 100*l.* a year each (30 years constant service) ...	2,000 "
	£14,045

It was stated by officers in the navy that the retired list at present was not adequate. But if 80,000*l.* were not adequate for the retired list of the navy, how insufficient must 14,000*l.* a year be for the retired list of the army! In advocating the claims of the officers of the army, they were sometimes met with the cry, "Oh but you have got the privilege of purchasing;" and a very pretty privilege it was! Instead of being a benefit or a privilege, he could not but characterize it as the most oppressive usury, and as highly dishonourable to the Governments which had sanctioned it for so many years. He did not hesitate to say, that no other profession in the country was so highly taxed as that of the soldier for the benefit of the State. The defence of the system of purchasing was, that it relieved the State from the necessity of purchasing retirement for old officers. Let them take now the position of a general officer, of whom there were at present 265, having been reduced to that number from 576 in 1815, and from 419 in 1833. Let them see what was the condition of the general officer who enjoyed a regiment and a salary of 1,000 a year. About 100 of those officers had 1,000 a year; the rest of them had only 400 a year. Those 265 officers then received about 100,000*l.* a year between them; 200 of them had purchased their commissions, and they would find that at the minimum infantry price they had paid about 800,000*l.* before they had got their regiments. He would take now the case of the most fortunate class, of a lieutenant-colonel of the Guards. A lieutenant-colonel of the Guards paid 12,000*l.*, perhaps, for his commission: add to that the interest which he lost for twenty years, and, if very fortunate, at sixty years of age, he gets 1,000 a year. Evidently, pecuniarily, he must be a decided loser. The State had obtained his services for less than he was out of pocket. A few days ago a case was mentioned, which led to the Government being seriously reproached for taking advantage of a young recruit. Why, he doubted whether the young officer might not justly complain of being politically swindled by the Government in a still greater degree, for he heard of pensions and honours and medals granted with prodigious profuseness, and fancied perhaps some day to succeed to those rewards. Now, what was the actual debtor and creditor account of those 265 general officers to whom he had referred with the State? They had bought their commissions at a cost of more than a million of money; and for that at an advanced age half of them received a life annuity of 1,000*l.* a year. They were not allowed to sell their annuity; and the million which they had expended, with at least twenty years' accumulation, was inevitably lost to their families. What chance had the old officer of having his services adequately acknowledged? Let them take as an example the following case, which resembled so many others: During a recent debate in that House, the name of a commanding officer of a regiment was introduced, whose exemplary conduct met the approbation of all sides of the House. That officer had served forty-six years, and had been twenty years the commander of a regiment. According to their present mode of promotion, in ten years that officer might be major-general, and in fifteen years he might perchance have a regiment and 1,000 a year. But thirty years before, he had paid 10,000 guineas for his commission. To that sum let them add the accumulated interest, and they would see what his family lost by his services to the State. He had no hesitation in saying that the officers of the army of this country were worse off than the officers in the French army; and this struck him as being particularly unjust, when it was known, as was stated in the Report of the Committee of 1833, that—

> "Whilst the salaries and emoluments of most branches of the civil service have considerably increased since 1792, those of the superior officers of the army are, with few exceptions, the same as they were a century ago."

Upon some of these points to which he had alluded, he held in his hand a valuable communication from the Duke of Wellington to Lord Hill, dated "Strathfieldsaye, March 7, 1843," and which was contained in the appendix to the Report of the Committee of the House of Commons. It was as follows—

> "The detailed effect of this purchase of commissions upon the payment of all officers for their service, will be shown presently. It is obvious that in calculating the remuneration which any officer receives for his service, the amount of the interest which he loses upon the sum paid as the price of his commission must be taken into the account—it is a direct deduction upon the pay of the officer. . . . This fact must never be lost sight of; and it will be of great importance in the comparison between the amount of the pay and allowances of the officers of the British army, and those of foreign armies, and those of the corresponding ranks of the British navy."

Here follows a variety of calculations in proof of the foregoing, showing the comparative disadvantages of the military officer who has spent perhaps all he had in purchasing. Then follows :—

> "In point of fact (his Grace says) the promotion of the officers of the army by purchase is a saving of expense to the public, and highly beneficial to the service, although it falls severely upon individuals (on the officers). . . . The permission to sell their commissions to younger, more active, healthy, and energetic, and better qualified men, relieves the service from a burden, at the same time that it throws none upon the State in the shape of remuneration, reward, or provision for men worn out by the length and arduous nature of the services required from all British officers."

He held that it throws no burden upon the State; the burden was shifted to the shoulders of the officer.

> "On the other hand, an examination of the detailed operation of the system of promotion by purchase, or the remuneration intended to be given by the public to the officers of the army for their service, will show that those who purchase their commissions, which are certainly three-fourths of the whole number, receive but little for their service besides the honour of serving the King."

The various, severe, irksome, perilous, and responsible duties required from the officer in all parts of the world, against internal and external enemies, &c., and the scanty pay afforded, are then gone into. And—

> "This officer (the Duke says) has but little hope of promotion, unless he can purchase it, nor of rest nor relief from his exertions, if he should obtain it, as long as he has health and strength to serve. Surely (adds his Grace), men with such qualities, and so employed, cannot be allowed to believe the Legislature is unmindful of services."

It appeared very strange that one battle or two should be considered sufficient on a recent occasion to entitle those engaged in them to a medal; and that six years' constant fighting in the Peninsula should not be considered sufficient to establish a claim either to a medal or a ribbon. When they had seen medals recently given for so many shorter periods of service, it appeared inconsistent to refuse that mark of distinction to those who fought at Trafalgar or in the Peninsula. He trusted, therefore, that the Government would consent to grant to them the same boon which it had already conferred upon others. The hon. and gallant Member concluded by moving—

> "That this House will, on Wednesday next, resolve itself into a Committee, to consider of an humble Address to be presented to Her Majesty, praying that She will be graciously pleased to order that some adequate measure of relief may be awarded to the old War Officers of the Army of various ranks, towards remedying the retardment of promotion in late years, and the consequent increasing privation, in advanced age, of professional advantages or provision, and that the same may be commensurate with the important boon now at length proposed by Government to be granted to the Navy; also, praying that Her Majesty will be graciously pleased to direct that a favourable consideration be granted to the humble and dutiful representations of the surviving Veterans of Trafalgar and the Peninsular War, for a medal commemorative of their faithful service in those great conflicts."

LORD J. RUSSELL: I find it extremely difficult to make a proper reply to the hon. and gallant Officer who has just sat down; for it is impossible to discuss adequately and properly all the various claims of the officers and men of our army and navy, and to point out in detail how their services ought to be rewarded. I think that the House acts wisely and consistently when, in voting sums for the maintenance of the army and navy, it leaves the distribution of those sums to the advisers of the Crown and the Naval and Military Departments. With respect to the elaborate comparison made by the hon. and gallant Officer between the army and navy, I must say I think he has underrated the advantages enjoyed by the officers of the army. We had a Committee to inquire into the subject; and it appeared, in relation to the command of regiments, that we have 98 regiments of infantry, and 26 of cavalry; and that officers in the army enjoy, in consequence, advantages which are not shared by officers in the navy—that, in fact, they have rewards to which there are no similar rewards in the navy. The hon. and gallant Member quoted the opinion of the Duke of Wellington on the subject of purchase. The Duke of Wellington, by an elaborate and detailed expression of opinion, made out a case for the maintenance of the present system of purchases in our army. I believe, however, if the system of purchase in the army were now, instead of being so long established, introduced for the first time, the arguments against purchase might preponderate; but, existing as it does, and conferring, according to the opinion of the Duke of Wellington, advantages both upon the State and the Army, I think it ought not to be lightly relinquished at an enormous expense. The present system of purchase affords to many old officers the means of obtaining certain sums by the sale of their commissions to younger officers, who thus fill their places, and are placed in a position, after the lapse of some years, to obtain similar sums if they wish to dispose of their commissions. The hon. and gallant Member proposes that there should be some rewards offered to the army commensurate with the plan of retirement which has been proposed for the navy; but all I can say with respect to that is, that the Commander-in-Chief does not think that such a course is requisite, and that such a plan as that proposed in the navy ought not to be proposed for adoption with respect to the army. The House will recollect that some years ago a question of the nature now before us was brought forward for its consideration; and I, being then a Minister of the Crown, stated it was impossible for this House to judge of the merits of the various Motions brought forward on behalf of the army, navy, and marines, and that I thought it better that a Commission should be formed to inquire into those claims, that Commission to consist partly of officers of the navy of high rank, partly of officers of the army of high rank, and partly of Members of the Legislature who usually occupied a prominent position in the consideration of public affairs. The Commission was appointed, and amongst its Members it numbered the Duke of Wellington, Sir George Cockburn, and other distinguished officers of the army and navy who recommended certain measures for the adoption of the House. Those measures were adopted, and I own after that I feel a difficulty in agreeing to other plans which may be proposed by hon. Members of this House. [Sir De Lacy Evans: I proposed no particular plan.] That is true; but the hon. and gallant Gentleman will allow me to make another observation. He says that officers of the army who have served a number of years suffer an actual loss of money in consequence of the small income which they derive from the State and the slowness of promotion. I do not see how, under the present circumstances, that can altogether be avoided. The House will recollect that we were some years ago engaged in a war which required prodigious exertions and a numerous army, in order to enable us to meet a formidable enemy. A state of peace followed; and when such a state of peace continues, as it has continued, for thirty years, when we have consequently a greatly reduced army and navy, promotion must necessarily become slow, and it is inevitable that a great number of officers cannot be advanced without putting the country to an enormous expense. That is a state of things which I do not see how we can avoid. With regard to granting medals to those who fought at Trafalgar and in the Peninsula, I must say that I think it involves a question which ought to have been considered and submitted to Parliament at the end of the war. It is now forty years since the battle of Trafalgar, and thirty-two years since the last of the services of our army in the Peninsula ceased; and I think it is rather late to call upon the advisers of the Crown to bring forward the question of rewards for services which are so long passed. I have no doubt Lord Liverpool and the Duke of Wellington considered what ought to be done at the termination of the war, with a view to reward the services of those who were engaged in that war. I will not, therefore, venture to say now whether the course which was taken on that occasion was such as to place those officers who fought at Trafalgar, and who advanced against the enemy from Lisbon to Toulouse, in the position which they ought to occupy. It is too late, in my opinion, now to propose the adoption of a new course with respect to those officers, and I must therefore oppose the Motion of the hon. and gallant Member.

Mr. HUME challenged the hon. and gallant Officer to bring this question before the House next Session in such a shape as would enable him (Mr. Hume) to bring forward detailed arithmetical statements respecting it, and he would engage to show that the expense for officers in the British army was threefold that of the officers of the French army; in fact, no State of Europe had to pay so heavy a charge for officers of the army as England. He believed we had more generals in England, with our 100,000 men, than they had in France with their 400,000 men. The principle of purchase was most objectionable, as enabling interest to gain rank over merit. He had been long enough with the army to have seen the ill-effects produced, when meritorious officers of experience found themselves superseded by mere boys, as happened every day. If merit were more recognized, a class of officers would be obtained who would be more devoted to their duties and to the service.

Captain PECHELL hoped, that next Session, the House would take into consideration the questions of purchasing commissions, and the favouritism at the Horse Guards. Meantime, he thanked the gallant Officer, the Member for Westminster, for the honest and zealous intention he had shown to benefit the neglected condition of those who had rendered such distinguished services to the country.

CAPTAIN CARNEGIE thought the gallant Officer had completely succeeded in making out a case. The same question had been mooted in the House of Commons two and a half years ago. He (Captain Carnegie) was then absent, and had no opportunity of discussing the subject; but, on referring to the report of the debate which then took place, he found that the chief opponent of the proposal then made was Sir H. Hardinge—now very justly created Viscount Hardinge; but on that occasion, the gallant Officer could have little expected that in so short a period he should have himself to distribute medals to some of the very officers to whom he then denied them, for their distinguished services at the battles of Meanee, Aliwal, and Sobraon. He did not consider the paucity of their numbers, or the distance of time, any reason for withholding these medals still.

CAPTAIN LAYARD stated, without the fear of contradiction, that there was no service in England so ill requited as the army, and that without money or interest no amount of industry, ability, or assiduity could, taking the average of men, advance them in their profession. This was a question which had been too long neglected; but he hoped it would receive more attention in future. He feared that, at present, the system of purchasing commissions could not be done away with, because there was so much money invested in that way, and he suspected the House was not prepared to agree to grant compensation for that sum. But the system was undoubtedly a very bad one. On the subject of granting medals to the old veterans of Trafalgar and the Peninsula, he confessed he felt very deeply. He was delighted to hear the speech of the gallant officer opposito (Captain Carnegie), who had referred to Sir H. Hardinge, an officer for whom he (Captain Layard) entertained great respect, and he never felt so sorry as when he heard him oppose the proposition of giving medals to the old soldiers in question; but when that officer had himself received pensions and rewards from that House, and when he had found that, in India, the best and most proper way of rewarding the men whom he there commanded was by distributing medals against them, he confessed it did seem to him astonishing that those who had performed far more gallant deeds than the men who had been thus rewarded in India, should be refused a similar honour. He had seen last week, a report of the address of Sir Charles Napier to the regiments of Kurrachee, on presenting to them the Meanee medals, in which he said—

> "Thus soldiers medals are won—more by discipline than by any extraordinary efforts of individual courage. To reward this obedience medals are bestowed, so that every man who wears this honoured badge is known to the world as one who, in the midst of the noise, the danger, and the confusion of battle, had obeyed his orders and performed the three great duties of a soldier—first, not to fire without orders; next, when he does fire, to level low, so as to make sure of striking down an enemy; thirdly, to keep his ranks and dress upon his colours. The medal tells the world that he has bravely done these things, and no man can walk with one of these medals on his breast without feeling the conscious pride of an intrepid soldier."

But he would ask the House and the country what must be the feelings of those old Peninsular veterans, who by their skill and bravery had made themselves the wonder and admiration of the world, when they walked by with no medals to grace their breast, and saw those who, though they had done all that was demanded of them, had not been tried to one quarter the extent the Peninsular veterans had been tried? Look at the French army, where such honours were freely bestowed. France knew the cheap advantage of giving medals for great actions. It was no answer to say that the actions for which these honours were claimed occurred 30 or 40 years ago. If they had done wrong in withholding those honours, that was no reason why they should not now do right. He trusted that the heads of the army would yet be persuaded to take the subject into consideration. He hoped that the Motion which had to-day been so ably brought under their consideration would again be brought forward, and that the time was coming when they would not consider length of time any exoneration from doing justice to those who so well deserved it.

SIR W. VERNER regretted to perceive that the welfare of the army excited so little interest, that on a question of this importance there should not be twenty Members present. The gallant officer opposite (Sir D. L. Evans) was entitled to the thanks of the army for the manner in which he had brought their services under the notice of the House. He knew that the officers who had served in the Peninsula felt very much that they had nothing to show for their long services. He had heard that at one time it had been intended to give them medals, but it was said the die had been broken after it was made. He had himself the honour to wear the only medal which had been issued during the war, except to those in command—he meant the medal for Waterloo—and he saw no reason why a similar honour should not be conferred upon those who had served in the Peninsula.

Colonel REID agreed most cordially in every word that had fallen from the hon. Member for Westminster; and he begged to tender the hon. and gallant Member his sincere thanks for the zealous way in which he had espoused the cause of the army. The hon. Member for Montrose had stated that the State derived no benefit from the purchase of commissions. He maintained that it did. A short time ago, for instance, he, after being thirty years in the army, and having no chance of seeing foreign service, determined to retire upon full pay. He applied, and was told he could do so, provided he paid the whole amount of a full-pay commission. Well, he paid 4,500*l.*, which was the full-pay price for a commission, but this did not go into the pocket of the officer who vacated for him. Part of it went into the public purse, and he had been told that it was for the purpose of reducing the heavy amount of the half-pay list. There was one practice with regard to officers' commissions which appeared to him to involve much hardship to individuals. It was this, that if an officer died, his commission (even though it might have cost him 10,000*l.*) was immediately given to another officer who had the privilege of selling it immediately. Thus the estate of the deceased officer was less by so much. A case of this kind happened to a brother officer of his, who was so attached to his regiment that he could not be prevailed on to sell out, and he died, holding his commission, which was immediately given to a riding-master in another regiment, who held the rank of lieutenant, and by whom it was at once sold.

Mr. F. MAULE agreed with his noble Friend (Lord J. Russell) that it was hard to call on the Government to give a specific answer to a question which involved, in the first place, a very considerable outlay; and, secondly, the substitution of a new system for the present system of promotions and rewards in the army. His hon. and gallant Friend (Sir De Lacy Evans) had designated the system of purchase as most oppressive. Although in some respects he might agree with his hon. and gallant Friend, still he could not concur in so sweeping a condemnation. Under the present system there had been no difficulty in getting officers for the army, who were undoubtedly both brave and able, and ready and willing to discharge their duty under all circumstances. He was not sure if the same system were carried out among the regiments of the line as that which was followed in the artillery, whether they would not find, when regiments were ordered upon colonial and foreign service, that very great detriment would accrue to the army. It had been the fashion to accuse the Horse Guards of an improper distribution of patronage: so long as patronage vested in the hands of individuals, there would be no doubt cases of disappointment; but he was sure that patronage was administered by those at the head of the army as fairly as possible. His hon. and gallant Friend had stated that the very last thing that he would advise any man, whether in or out of the House, to do, would be to bring up one of his sons to the army as a profession. He could, however, assure his hon. and gallant Friend, that the number of applications for commissions, even under the present system of purchase, exceeded the vacancies that might be expected to occur in the course of twenty years. He did not think, therefore, that the service could be quite so unpopular as his hon. and gallant Friend represented it to be. After what had been stated by his noble Friend he need not enter into the general subject; but he would only say that it must be the wish not only of the present but of every Government to give every consideration to the claims both of the army and the navy with regard to rewards and promotions. When the proper time arrived, he trusted that the House would be ready to enter upon the consideration of the claims of old officers. With reference to the question of medals and decorations for services rendered many years ago, it seemed to him that the subject must have been fully considered by the Government of that day, and that it was now too late to make any recommendation to the Sovereign on such a subject.

Sir DE LACY EVANS, in reply, said that in bringing forward his Motion, it had not been his intention to press the House to come to a vote upon the question of presenting an address to Her Majesty, but simply to elicit the opinions of the Government on the subject; and he must say that the speech of the noble Lord at the head of the Government would not be satisfactory to the army or to the country. With the leave of the House, he would now withdraw his Motion; but unless proper measures were taken by the Government, he would bring forward his Motion again early next Session.

Motion withdrawn.

RAILWAY COMMISSIONERS.

The CHANCELLOR OF THE EXCHEQUER, pursuant to the notice which he had given, rose to move for leave to introduce a Bill to enable Her Majesty to appoint a Railway Board. The subject was one which had been pressed on Her Majesty's Government by both Houses of Parliament. The Committee of the House of Lords which sat on railways had come to a resolution urging the appointment of such a Board; and the House of Commons had lately adopted a similar resolution. Fortified, therefore, with these resolutions, Her Majesty's Government had determined to come to Parliament and ask the House to pass a Bill which would carry into effect the object which those resolutions contemplated. He was well aware that at this period of the Session such a Bill could only be carried by the common consent of the whole House; but it was in reliance upon that common consent that the Government proposed to introduce this Bill. The Bill was very short in itself, and he would briefly state its main provisions. The Government proposed that a Board should be constituted, consisting of not more than five Commissioners, one of whom should be the president. It was proposed that the president of the Board should be paid for his services, and that he should be a Member of one of the two Houses of Parliament. It was also proposed that he should be connected with the Government so far as to be removable on any change of Administration. The other Commissioners were to be made up of two paid members and two unpaid members of the Board. The two paid Commissioners would not have seats in Parliament; and the object in appointing two unpaid members of the Board was, that there should be at least one Commissioner in either House of Parliament, to answer any questions that might be put with respect to the acts of the Board. The two unpaid members of the Commission would also be members of the Government, of course receiving emolument in that capacity, but not as members of the Railway Board. The result, therefore, would be, that in both Houses of Parliament there would be a member of the Board competent to answer questions, and to take upon him the conduct of railway business in either House. It was further proposed by the Bill to enable the Commissioners, with the sanction of the Treasury, to transfer to their own office the clerks and other subordinate officers at present employed in the Railway Department of the Board of Trade. It was proposed also to transfer to the Board the whole of the powers and duties which now devolved upon the Railway Department of the Board of Trade. It was intended to give the new Railway Board what the Board of Trade had not at present—the power of enforcing the execution of the terms upon which Bills were granted to railway companies. Upon the new Board would be imposed the duty of seeing that every existing railway company strictly complied with the provisions of the Act under which it was incorporated. The Government further proposed to enable the Board to carry on any inquiry which might be referred to it by either House of Parliament. He would not then enter into a minute statement of the provisions of the Bill, but merely say it would be a great advantage that this Board should be constituted. There was one subject which, though not part of this Bill, he thought it would be desirable to revise during the recess—he meant the Standing Orders of the House relating to railways. One thing in particular he thought should be considered—whether a longer time should not be allowed to elapse between the first proposal to construct a railway and the bringing the Bill before the consideration of Parliament, so as to afford time to make such inquiries as might be deemed necessary during the interval. He believed there would be no objection to a measure which all admitted was necessary in the present state of the railway business of the country.

MR. MORRISON thought there ought to be something more than the mere transference of the present powers of the Board of Trade to the Commissioners, to do any amount of good. He wished to know if the proposed Board would have the power to send for papers and records, because without this, little good could be done.

The CHANCELLOR OF THE EXCHEQUER said, that subject had not been considered by the Government, but it would be, and an answer would be given in the next stage of the Bill. The Government only proposed now that which the whole

House might consent to; and with regard to more extensive powers, the whole subject would be fully discussed and considered in the next Session of Parliament.

Leave given.

Bill brought in, and read a First Time.

House adjourned at a quarter to Four o'clock.

HOUSE OF LORDS,

Thursday, August 20, 1846.

MINUTES.] PUBLIC BILLS.—1ª. Naval and Military Departments; Steam Navigation; Lunatic Asylums (Ireland); Ejectments, &c. (Ireland); Income Tax Deductions; Customs Duties (No. 2); Rateable Property (Ireland); New Zealand Government; New Zealand Loan Act Amendment.

2ª. Contagious Diseases; British Possessions; Public Works (Ireland) (No. 3); County Works Presentments (Ireland) (No. 2); House of Commons Offices; Spirit Licenses, etc. Duties; Turnpike Roads (Ireland); Lunatic Asylums and Pauper Lunatics; Public Works, Fisheries, etc.: Public Works Commissioners (Ireland); Baths and Washhouses (Ireland).

Reported. Exclusive Privilege of Trading Abolition (Ireland).

3ª. and passed. Waste Lands (Australia); Legal Quays (London).

PETITIONS PRESENTED. From Cot Fishermen of the Rivers Burrow and Nore, for Protection of the Fisheries (Ireland).—From Andrew Banfield, for Amendment of Insolvent Debtors Act Amendment (Ireland) Bill, and for the Insertion of a Clause giving to Aggrieved Creditors, Suitors of that Court, the Right or Privilege of Appeal to a Court of Equity in Ireland.—From Penryn, against Naval and Military Flogging.

RECENT LAW APPOINTMENTS.

LORD LYNDHURST: My Lords, I have to request your Lordships' attention for a few moments to some statements that appeared in the morning papers of yesterday, assuming to report certain proceedings in the other House of Parliament, with reference to some recent law appointments. From the nature of these statements, my Lords, I feel it my duty—a duty which I owe my noble Friend (the Earl of Ripon) who is at present absent in a distant part of the country—a duty which I owe to myself—and give me leave to add, in reference to the situation which I lately had the honour to hold in your Lordships' House—a duty which I owe to your Lordships, to enter into some explanation with respect to those statements. I very much regret that your Lordships did not assemble yesterday, and that I had not then an earlier opportunity of meeting the charges preferred against the noble Lord (the Earl of Ripon) and myself. My Lords, I do not assume that the statements to which I am referring is a correct representation of what fell from the noble Lord in the other House of Parliament; I will not assume it, on account of the coarseness of the language which is imputed to that noble Lord, and on account of the character and nature of the imputation which he has cast upon the noble Lord and myself. It must be understood, therefore, that in the observations which I am about to make, my remarks are confined to the representations as stated in the papers to which I have referred. My Lords, I consider that upon all occasions, when particular charges of a grave character are brought against Members of your Lordships' House, the true course to be pursued by the party accused, is to state fully and plainly, and in detail, all the circumstances of the transaction—because, if the facts do not speak for themselves in a case of this nature, it is quite a vain endeavour on the part of those who are accused, to attempt to justify themselves by reasoning and by argument. Therefore, I shall confine myself strictly to a statement of the particulars of these transactions. My noble Friend, late the President of the India Board—of the Board of Control—applied to me early in the spring of this year, asking me to recommend a certain number of individuals whom I might consider competent to discharge the duties incident to the office of a Judge in India, and who at the same time would be willing to accept the office. I understand that the office had previously been offered to an individual of considerable eminence at the bar, who had declined it. In consequence of this application, I returned to my noble Friend the names of six or seven individuals, including the name of Mr. David Pollock, as persons whom I considered fully competent to discharge the duties of the responsible office of Chief Justice of Bombay, and who, I had reason to believe, would be willing to accept the appointment. I believe—I have reason to think—that the noble Lord did not confine his application merely to myself; but that he consulted other learned and eminent individuals on whose judgment he could rely, as to the qualifications of the different individuals whom I have mentioned. The result of all this was, that my noble Friend selected for the appointment Mr. David Pollock, the brother of the present Lord Chief Baron of the Exchequer. That, my Lords, was the whole of the matter so far as I was concerned; I had nothing further whatever to do with the transaction. Mr. David Pollock was appointed, and, as far as I was concerned, there the matter terminated. I am quite sure that every one who knows anything of Mr. David Pollock must agree with me in opinion, that he was eminently qualified to discharge the duties of the office for which he was selected; and I believe on the 10th of June (as early as that day) Her Majesty's pleasure was taken as to the appointment, and She then signified Her approval. Thus the matter concluded as far as it is at present necessary for me to consider; presently I shall again advert to this part of the case, when I shall call to your Lordships' attention some other facts which I shall feel it my duty to mention. In consequence of the selection of the learned individual to whom I have referred, a vacancy was created in another office—in the office which he had previously filled—the office of a Commissioner of the Insolvent Debtors' Court. Mr. Phillips was appointed to that vacant office. Mr. Phillips had been appointed by me a Commissioner of the Court of Bankruptcy about three years ago. He had met with a severe domestic misfortune about a year since; and he had applied to me several times, entreating me, in consequence of the unpleasantness of his position, and the feelings of distaste which he had whilst he remained in Liverpool, to remove him, even at a considerable sacrifice of income, to some other situation. I had no other opportunity of doing so. His wife and daughter had left him, and were residing at Cheltenham. On this vacancy occurring, Mr. Phillips himself, or through the medium of my noble and learned Friend (Lord Brougham), who is now absent, applied to the Secretary of State for the Home Department for the situation to which I have referred. I was not aware of that application. It was not made through me, neither was it communicated to me until after the application was made. Sir James Graham wrote to me asking me whether I thought Mr. Phillips qualified for the appointment. In answer to that letter, I replied, that I had appointed Mr. Phillips to the situation of Commissioner of Bankrupts three years ago; that he had been assiduous in the discharge of his duties; and that I had been informed that in no instance had there been any appeal from any one of his decisions; and I concluded by saying, that I considered him qualified for the office, as the duties of that office were analogous to the duties of the office which he had previously so well discharged. My Lords, I have nothing further to say with respect to this appointment. I had no other communication whatever with any one respecting it. I was referred to for the character of this individual, and I gave him the character to which I thought he was justly entitled; and, my Lords, no one who knows the man will say that the character which I gave him goes one step beyond that which he was authorized to expect from me. So far, my Lords, as to this transaction. In consequence of this appointment, the office which Mr. Phillips held in the Court of Bankruptcy became vacant. I placed in that office Mr. Perry, my principal secretary. Mr. Perry had served me long in that office; I have had continual opportunities of observing his conduct. He is a man of integrity, and a man of great industry, a man of great talent, and I may say with confidence, a man well versed in the laws of his country. I am sure there is no person whom I could have placed in the office, who would have accepted the office, more capable well and faithfully to discharge its duties, than Mr. Perry. If, under such circumstances, I had passed over that gentleman, I should have committed an act of injustice; and if, from the fear of any observations that might be made with respect to the appointment, in consequence of his connexion with me, I should have permitted that injustice, I should, my Lords, I say, have been guilty, not only of an act of baseness, but also of an act of cowardice. He is known to many noble Lords in the House, who, I believe, also know that he is well fitted to discharge his duties; and to think that the noble Lord, who knows nothing of this gentleman, should cast aspersions and imputations on him, and undertake to say that he is not qualified for the office! When a man goes out of his way to make assertions of that kind, he is entirely unworthy of attention in any reasonable assembly. But now to show what that noble Lord is reported to have done. The noble Lord is reported to have said, that—

> "As regarded the appointment of Mr. Perry, he was bound to say that it was a gross job! Mr. Perry, he believed, had had no practice in the courts of law connected with the description of business to which he was appointed; and he was informed that he had been accompanied to Liverpool by Commissioner Holroyd, as it were to dry-nurse him in those few duties he would have to perform."

This noble Lord appears to cast out these imputations with a liberality quite unparalleled, quite unexampled in any public assembly. This puts me in mind of the phrase used by Mr. Pitt, who, when speaking of Napoleon, said that nothing was too great for his ambition, or too small for the grasp of his rapacity: so there is nothing which the noble Lord thinks it beneath him to descend to give vent to his slanderous and petty inventions. I will now state the circumstances connected with this part of the case. In consequence of Mr. Phillips coming up to London, and in order that the duties of the office should go on, it became necessary to procure some gentleman to perform those duties during his absence. Accordingly I requested Mr. Holroyd to go down. He went down on the 23rd of June. The day after Mr. Perry was sworn into his office, he returned to town. So much, my Lords, for the imputation of this gentleman having gone down for the purpose of giving instruction to Mr. Perry in the discharge of his duties. These are the kind of charges thrown out totally regardless of the character of the individuals against whom they are directed. I have now directed your Lordship's attention to these three points, to the appointment of Mr. David Pollock—to the appointment of Mr. Phillips—and lastly, to the appointment of Mr. Perry. I ask your Lordships to pause for the present, and to say whether there is the slightest foundation for the imputation cast on my noble Friend or myself in this transaction? But I now come to the most grave part—perhaps the only part of the matter which deserves any serious consideration. The noble Lord takes upon himself to state that he believes from representations made to him, that in fact the appointment of Mr. David Pollock was made by me in consequence of a bargain between me and my noble Friend at the head of the Board of Control, that I should present a friend of his to the living of Nocton. That was the charge made at the time to which I am now referring. What has taken place since? The noble Lord yesterday, as I am told, abandoned that statement; but he abandoned it upon a false ground; he abandoned it because he thought he had discovered in a book to which he had referred, that the presentation to the living of Nocton was not in the Chancellor, but in some private individual. Therefore, he did what he was bound to do—apologize for the charge which he had made. But the ground on which he recants is totally unfounded. The presentation was in the Chancellor. I presented to the living. I am ready to admit that I presented to the living, and I presume that the noble Lord will now retract his retraction, and revert to his original accusation. My Lords, why do I mention these circumstances? To point out the levity of this man—to show that he makes charges without investigation—that he retracts these charges without investigation—that he is indifferent as to what he does—and that he scatters about his attacks without in the least considering how they may operate, and whom they may affect and injure. Now, as to the fact. I take upon myself to say, that when I presented the friend of my noble Friend to the living of Nocton, that circumstance had nothing whatever to do with the appointment of any judicial officer. For the truth of this, I pledge to you my honour, as one of your Lordships' House—I pledge you my honour as a gentleman—and, my Lords, I have no doubt that my noble Friend, if he were here present, would make precisely the same statement. I have already stated what led to the appointment of that gentleman, Mr. David Pollock, to the Chief Justiceship of Bombay. In that I had no farther concern than I have stated to your Lordships—namely, that I gave his name, with five or six other names, in order that my noble Friend might select out of them the person most fitted to discharge the duties of that office; and I say my noble Friend did make the selection accordingly, wholly uninfluenced by me. I pursued on that occasion precisely the course always pursued by my predecessors in similar circumstances. But now, my Lords, as to the living of Nocton—I must state to your Lordships the circumstances under which that presentation was made, and the grounds of that presentation. My noble Friend wrote to me on the sudden death of the Dean of Windsor, who before held the living, mentioning that circumstance, and asking me to present a friend of his to the living. The reasons on which he grounded his application were these:—

> "I own," he said, "the whole of the parish, except a small portion of glebe land in the centre of it. I have recently laid out a large sum of money in building a new house as my future place of residence in the country, the former residence having some time since been burnt down. I have established and endowed a large school; and I pay the expenses of the schoolmaster and mistress. The church, a few years ago, was enlarged for the purpose of accommodating a greater number of persons. I paid two-thirds of the expenses of that enlargement. It is most desirable for us that we

should have a person in whom we can place the most implicit confidence as our minister. The residence of the minister is within a few yards of our house, and the church is close by. I am, therefore, under these circumstances, most desirous that you will have the kindness to present the person I have recommended."

In addition to this—and that was the only circumstance which in my mind created any doubt—I was told that, although the gift of the living was in the Crown, it had been the constant practice to present the person recommended by the owner of the estate now possessed by my noble Friend. Indeed, so constantly had this been the practice, that it had led to the conclusion that the right of presentation was in the owner of the estate; and I was apprehensive, therefore, if I continued to present the person nominated by the owner of the estate, I might by degrees impair the title of the Crown. I investigated the case, and I found that the title of the Crown was so well established, that on the statement made to me by my noble Friend, I presented his friend to the living—a gentleman of the greatest respectability, of unblemished character, and in every way fitted to discharge his duties. Not one word was ever said, I am quite sure, by any of the parties with regard to the appointment to this Judgeship. I am so desirous that this part of the case should be free from all doubt, that I must trouble your Lordships to allow me to read the correspondence, for all will see from that correspondence what the grounds were on which the appointment was made; and that in it you can nowhere trace anything that can justify the imputation—the foul imputation—cast on my noble Friend and myself, with regard to this part of the transaction. I am sure that your Lordships will not think that I am trespassing too far in calling your attention to these letters. The first which I will read is dated the 9th of May, 1846:—

"1, Carlton-gardens, May 9, 1846.

"My dear Lord Chancellor—The death of Lady Ripon's uncle (yesterday), who was Dean of Windsor, and Vicar of Nocton, in the county of Lincoln, occasions me to trouble you with this letter. The living of Nocton is in your gift; and as the whole of the parish is my property (except the glebe), it is of the utmost importance, not only to myself individually, but to the good of a very extensive parish, that the vicar should be a person with whom I could act in perfect harmony for the benefit of the parishioners. This vicarage belonged for generations to the owners of the Nocton estate; and it was merely by an accident that the right of presentation lapsed to the Crown; but it has invariably been given at the recommendation of the owner of Nocton; and I feel sure that under these circumstances, your kind feelings will induce you to attend to the recommendation of a Colleague. If you wish for any explanation from me upon this matter, I will call upon you to-morrow at any hour you may appoint. I am really very anxious upon the subject.—Believe me most sincerely yours, "RIPON.

"P.S. This letter was sent to your house in town, but as I find you are rusticating, I forward it to you by messenger to Turville."

Two days after I received a letter from Lady Ripon. Now, this estate came through Lady Ripon; it is the estate of her family:—

"Carlton-gardens, May 11, 1846.

"My dear Lord Chancellor—I trust you will excuse my venturing to address you on the subject of the living of Nocton, lately become vacant by the sudden death of my dear uncle, the Dean of Windsor; for I cannot help thinking, that when made fully aware of the peculiar circumstances of the case, you will be disposed to accede to Lord Ripon's and my request on the subject. The circumstances of the case are indeed peculiar, for the whole parish of Nocton has long been in the possession of my ancestors. The glebe land is in the centre of the estate, and the parsonage within 100 yards of the house, and close to the church, where my dear father and all my family, for some generations, have been buried. Until the time of my grandfather, the churchyard extended to the house itself. With all these circumstances before you, you will not, I am sure, be surprised to learn that the living has been always given on the recommendation of the proprietor of the estate, so much so, that my father entertained the impression that the living was in the actual gift of the proprietor. It is our only place of residence in the country. The old house having been burnt down a few years back, we have built a new one, which we have just completed. You will, therefore, I think, concur with me that our comfort must greatly depend upon the clergyman continuing to be not upon merely good, but upon absolutely intimate and agreeable terms. Mr. Wilson is a well-known clergyman, of the age of forty, married to a particular friend of mine, and both husband and wife are most conscientious and active persons. Mr. Wilson is devoted to his duties, an upright single-minded man, who must be a blessing to any parish of which he is the pastor. I can now only throw myself upon your kindly feelings, and express my earnest hope that you will transfer to Mr. Wilson the favourable intention which you this morning entertained towards Mr. Bagley, as Lord Brownlow, well aware of the peculiar circumstances of the case, has withdrawn his recommendation of Mr. Bagley. I will add, that I shall feel truly obliged to you if you will accede to my request, and thereby enable us to reside with comfort on my old hereditary property.—Believe me, my dear Lord Chancellor, very sincerely yours, "S. A. L. RIPON."

I should mention that Mr. Wilson was in the possession of a living in Dorsetshire equal in value to that of Nocton, and that it was merely from friendly feelings towards Lord Ripon that he gave up that living to which he had been presented by the Bishop of Bath and Wells, for the purpose of removing to Nocton. My Lords, I was extremely desirous to provide for Mr. Bagley, the son of one of the prebendaries of Canterbury, with whom I had been intimately acquainted at college, and I had mentioned Mr. Bagley as a person of whom I thought Lord Ripon would have approved. This gentleman's application had been supported by Lord Brownlow. I then received this letter from Lord Ripon;—

> "India Board, May 13, 1846.
>
> "My dear Lord Chancellor—In reference to the question of the Nocton Vicarage, I ought to tell you (what I believe I omitted) that the school is maintained entirely at my expense; I provide a school-room of adequate dimensions, an excellent house for the schoolmaster and mistress, whom I appoint, and whose salary I pay. No charge, therefore, has hitherto fallen upon the clergyman in respect to those material objects in every parish. I have already spent upwards of 10,000*l.* in rebuilding my house there, and before it will be finally completed it will have cost me from 15,000*l.* to 20,000*l.*; and some years ago, when the church was enlarged to accommodate the increasing number of the population, I paid two-thirds of the expense; and I can truly say that I have spared no expense (nor my predecessors before me), in promoting the comfort and well-being of the people there, every one of whom, farmers, shopkeepers, artisans and and labourers, are my tenants.—Most truly yours, "Ripon."

Under these circumstances I acceded, as might be expected, to the application of my noble Friend, and I appointed Mr. Wilson. I afterwards received from Lady Ripon this letter:—

> "Carlton Gardens, Thursday,
> Three o'Clock.
>
> "My dear Lord Chancellor—I have just received your note, and though I considered my case a strong one, I am not the less obliged to you for your most courteous decision; and as you cannot know all the very peculiar circumstances attached to that living, nor the many reasons I have to feel so strongly on the subject, you cannot appreciate as fully as I can, the obligation you have conferred on me and mine. Again thanking you, I remain, my dear Lord Chancellor, yours very sincerely,
> "S. A. L. Ripon."

This, my Lords, is the correspondence on the subject; and I ask you whether this correspondence, written at the time, is not absolutely inconsistent with the charges preferred against my noble Friend and myself? The grounds stated for making this appointment must be completely satisfactory to your Lordships, for they are grounds which it would have been perfectly impossible for me not to have attended to. In consequence of my having made this appointment, now, my Lords, what is the charge against me, and the ground on which that charge is made to rest? It is the most extraordinary charge that ever was preferred against a public man, considering the evidence on which it rests. The noble Lord does not speak from his own knowledge, but he states what was communicated to him by some individual. But he does not name the individual. That individual conjectures or asserts that the fact is so without stating the grounds. Is it possible that any man filling a public situation, pretending to direct the Councils of the country, or, at least, of the party to which he belongs, could come forward with accusations against the character of public men, founded on such evidence? It is totally condemnatory of the individual; it shows him to be utterly unfit for any public situation—it destroys his fitness and his character. It is not only weak, low, and silly; but its weakness, lowness, and silliness only, are equalled by its folly and baseness. Having justified myself fully as to these grounds, I come to the remaining point, the question of law, with which, however, I had nothing to do, but which, in the absence of my noble Friend, I feel bound to state—the question I mean, with reference to the Bill brought in by my noble and learned Friend on the Woolsack. The facts are these; Sir H. Roper sent in his resignation, to take place on the 2nd of November. My noble Friend sent to the Colonial Office, after he had fixed on Mr. David Pollock as his successor, requesting the patent to be made out as from the 2nd of November. My noble Friend is no lawyer. My noble Friend was told by the Colonial Office that it was irregular, and that such a prospective appointment could not be made, for that it would, in fact, be the grant of an office in reversion. In answer to this, my noble Friend directed the patent to be made out in the usual form. The patent was made out. I admit that it was incorrect; for by the patent given to Mr. David Pollock, the office of Sir H. Roper in India was thereby at an end, and he was discharging the duties of a Judge when he was no longer a Judge. Nothing, therefore, could be more irregular. But that was not peculiar to the Colonial Office; it was not peculiar to my noble Friend. It had been the constant course of practice. The same circumstances occurred in the appointment of Sir H. Roper, in the appointment of Sir Robert Comyn, in the appointment of Sir Charles Grey—I believe in every instance where an appointment was made on the surrender of a Judge in India, and the consequence would be, that all intermediate acts done by the

Judge in India would be invalid; and this has led to the Bill which has been introduced by my noble and learned Friend on the Woolsack. That measure is retrospective, and refers to every one of the instances to which I have referred, for the purpose of doing what is necessary to be done for giving validity to the acts done by the Judge who, in this irregular way, had been superseded. This, my Lords, is the whole case, as far as it refers to my noble Friend. I do not say this in justification of my noble Friend. It was not his duty to make out the appointment in point of form; it was the duty of the Colonial Office. The blot has now been discovered—it has been hit for the first time, and it is intended to be cured by the Bill which has been introduced by my noble and learned Friend on the Woolsack. My Lords, I have now gone through and met every one of the charges preferred against me and my noble Friend; and I ask your Lordships with confidence, whether there is any foundation whatever for any part of this accusation? I confess, that, for my own part, I am at a loss to account for the course pursued by the noble Lord. I do not know to what principle I am to refer it. Does it accord with his sense of justice that he should bring forward charges of this description without requiring first some explanation from the parties against whom they are directed, or without giving any notice of his intention to bring them forward? Is that the conduct of a discreet public man? My Lords, can any person justify such conduct? Perhaps the noble Lord thinks that everything is fair in party politics—that to blacken and traduce the character of political opponents, by means however base or foul, is perfectly justifiable. The noble Lord may, perhaps, have acted on that principle, or perhaps from his early associations and his early habits he may have been led to form so low an opinion of the principles on which mankind act, as to suppose that every man in his transactions of life must be directed by some base, selfish, sordid, motives. I cannot ascribe it to any other principle but one of these to which I have referred. It has been said, and well said, that to be praised by a person who is the subject of praise, adds tenfold to the value of the acknowledgment. The same principle will apply to calumny, and the best antidote to calumny will often be found in the character of the calumniator. I do not know with respect to the noble Lord's slander, that it is, as the poet says, "sharp as the point of a sword;" but if "his tongue does not outvenom all the worms of Nile," it is not from the want of will or inclination, but from the want of power. A distinguished writer has this allusion in reference to persons unjustly assailed: "The sting of the wasp may fester and inflame, though long after the venomous insect has left his life and sting in the wound." Venomous, my Lords—I should say, little, vexatious insect, for that is the correct expression. Yes, my Lords, although refuted, these attacks are not harmless; they have a public effect—sometimes a lasting effect. Persons remember the attack—they do not always remember the defence. To me, my Lords, it is most humiliating, at the close of my public life, and at the close, I may say, almost of my natural life, to be called upon to repel accusations of this kind. I know your Lordships will bear with me on an occasion like the present. I rely upon your Lordships to come to a correct judgment; and I throw myself upon your Lordships' consideration, and the consideration of the country.

BRITISH POSSESSIONS BILL.

The Earl of CLARENDON said, that he rose for the purpose of moving the Second Reading of a Bill, entitled the British Possessions Bill, which was a Bill to enable the legislatures of certain British possessions to reduce or repeal certain duties of customs. In begging their Lordships to read this Bill a second time, it would not be necessary for him to trouble them with many observations. By the Act for the regulation of trade in the British possessions, certain duties of customs were imposed upon the importation into any of the British possessions in America, or in the Island of Mauritius, of several articles not being the growth, produce, or manufacture of the United Kingdom, or of the British possessions. The present Bill sought to enable the legislatures of the said British possessions, with the assent of Her Majesty in Council, to reduce or repeal all or any of such duties of customs, so far as they might be in force in such possessions respectively. These differential duties had been complained of by the Colonies, and the present Bill would enable them to alter or repeal them. As the Legislature of this country had established the principle of free trade, with certain exemptions for the purposes of revenue, as in the case of silk and timber, it would be but fair that they placed the Colonies in the same position with themselves. The Bill now sought to be introduced permitted the Colonies to deal with existing duties, but not to impose upon British goods any tax not at present levied. These were the powers which the Bill conferred; and it was considered only fair to give them those powers under certain limitations. The Bill had no other object than to enable the Colonies to reduce the duties upon foreign articles—a power which the Legislature of this country thought they were fairly entitled to.

The Earl of ELLENBOROUGH did not object to the object of the Bill; but he took many exceptions to the manner in which that object was to be carried into effect. He begged to know what advantage would be gained, even in point of time, by the Act now proposed for their Lordships' adoption? They would not surely desire to act with a uniformity of opinion upon the part of the Colonies generally? Surely such was not the course his noble Friend opposite (the Earl of Clarendon) or the Government intended to pursue? He had hoped that the noble Earl would have framed his measures so as to meet the general requirements of the Colonies, and not attempt to legislate for one to the prejudice of another. In order to adopt such a measure time would be required; and between the present time and the reassembling of Parliament in January next, a measure might have been taken into consideration which would have enabled Her Majesty's Ministers to come down prepared to propose some uniform system, which might, with equal justice, be made to apply to all the Colonies. However, there was a matter of much greater importance to which he wished to direct the attention of his noble Friend, and upon which it would be satisfactory to him to have the decided declaration of the opinions and intentions of the Government. The Legislature of this country had pronounced their opinion that it was but fair the Colonies should import our goods and the goods of foreign nations upon equal terms. That was conceded on free-trade principles; but he confessed he could not see how, on the strict principles of free trade, if they were to look at those principles alone, they could refuse to the Colonies free trade in ships as well as in goods—free trade in the ships that conveyed the goods, as well as the goods, inasmuch as the freight was a material element in the price of the article. He was well aware of the deep importance of the subject, and he was ready to resist that claim at any cost if it should be made; for he knew there were other principles more important connected with it—the principles of public security—a due consideration for which ought to dissuade them from granting such a claim. He knew they had already lost by far the largest portion of the navigation connected with the whale fishery; and he apprehended that the coasting trade would in like manner be materially injured. He was aware that the number of ships and seamen increased with our increasing trade, and that such an increase would have an effect both upon the number of ships and the number of seamen; but he saw in the shipping and in the seamen of other nations an increase in higher proportion. It ought, in his opinion, never to be lost sight of, that upon our relative superiority, and not upon our strength and power, our security and safety chiefly depended. He would, therefore, wish to know from the Government in what spirit they were prepared to deal with the laws relating to navigation, and whether it was their intention to apply to them the principles of free trade.

Earl GREY remarked in reply, that with reference to the first part of the noble Earl's speech, he did not think he had sufficiently adverted to the existing state of affairs. The noble Lord appeared to think that some uniform system of levying duties on various descriptions of goods ought to be established for all the British possessions. Such, he was sorry to say, was not the fact; for, unfortunately, in all our Colonies there was an absence of any uniform system of taxing. Instead of Canada, Nova Scotia, and New Brunswick, having similar rates of duties upon imports, they had levied various duties, and had even taxed the goods coming from one Colony to the other. The present Bill, however, could not establish an equality. If all differential duties were to be repealed, there would be a deficiency of income to meet expenditure. One of the Members of the Executive Council of Canada was now in this country, and he had taken an opportunity of asking him whether a repeal by the Imperial Parliament of differential duties would be attended with inconvenience? and he had replied that such would be the case, and that it would be far better to allow the colonial legislatures to deal with the matter, and permit them to repeal differential duties, which they most probably would do. He (Earl Grey) concurred with the noble Earl opposite, that the system of adopting different duties in different Colonies was productive of great inconvenience, and that an uniformity of duty, if it could be obtained, would be an object of great importance; and, as far as it could be accomplished, it was a subject to which the Government would not fail to direct their attention. He hoped it would not be supposed that, by passing this Bill, they abandoned the right and authority which Parliament always possessed, of regulating the general trade of the Colonies and the mother country, in the manner most conducive to the welfare and prosperity of the Empire. With respect to the navigation laws, he would only make a single remark. It seemed to him they stood upon very different ground. He believed that colonial shipping enjoyed a full share of the privileges which British shipping enjoyed, and that it would continue to do so as long as it was the interest of Parliament to maintain the navigation laws. As to the question of whether it was the intention of the Government to make any alteration in the policy that had hitherto been pursued, it would be extremely inconvenient to give an opinion. The question was one involving large and important considerations, and it would be rash to say more than that no alteration ought to be made that could tend to injure or diminish the extent of our commercial relations. Without expressing an opinion one way or the other, he would say that an alteration in those laws was to be considered, not so much with reference to the pecuniary effect, as to the effect upon the great commercial interests of the country. But, whether the navigation laws acted well or not, it would be highly inconvenient at this moment to enter into any discussion of their merits.

The EARL of ELLENBOROUGH had no wish to intrude any observations by way of reply. He would be glad, however, to supply an omission which he had made in his former observations. It was to express his hope that in any communications that might be made with India, no imperative instructions would be sent, but that it might be left to the colonists themselves to decide whether it would be for the advantage of their trade and their interests generally to make any alterations in the duties they might think fit to levy.

Bill read 2ª.—House adjourned.

HOUSE OF COMMONS,

Thursday, August 20, 1846.

MINUTES.] PUBLIC BILLS.—1° Patent Commissions; Waste Lands (Australia).

2° Ecclesiastical Patronage; Railway Commissioners.

Reported. Court of Exchequer (Ireland).

3° and passed. New Zealand Loan Act Amendment; Customs Duties (No. 2); New Zealand Government; Tithes Commutation; Marriages (Ireland).

PETITIONS PRESENTED. By Mr. John Fielden, from Inhabitants of the Town of Abergele and its Vicinity, in the County of Denbigh, for the Adoption of Measures for Securing and Enforcing the Due Observance of the Lord's Day.—By Mr. Charles Buller, from Inhabitants of the Settlements of Wellington, Nelson, Plymouth, and Wanganui, in the Colony of New Zealand, for Inquiry into the Affairs of that Colony.—From Chemists and Druggists residing at Bridgewater, against the Spirit Licenses and Duties Bill.—By Mr. John Fielden, from Inhabitants of Todmorden, for an Investigation into the Working of the Anatomy Act, with a View to its Repeal.—By Mr. D'Eyncourt, from Inhabitants of Peckham, and by Mr. Wakley, from Braintree, Bocking, Kendal, and Newark, for the Abolition of the Punishment of Flogging in the Army and Navy.—By Mr. Cornwall Legh, from Inhabitants of Lymm, in the County of Chester, complaining of the Practice of putting Children to the Business of Fustian Cutting under the Age of Thirteen Years, and Working them longer than they are able to bear, and praying the House to adopt Measures for Effectually Remedying the Evil complained of.—By Captain Pechell, from Philip Herring, a Prisoner in the Queen's Prison, in the County of Surrey, under Attachments from the High Court of Chancery, praying for Inquiry into his Case.—By several hon. Members, from a great many Members of the Medical Profession, in favour of the Medical Practitioners Bill.—By Mr. Masterman, from Inhabitants of the Parish of Saint Matthew, Bethnal Green, and from Journeymen Pawnbrokers of the Parishes of St. Leonard, Shoreditch, and Christ Church, Spitalfields, in favour of the Pawnbrokers Bill.—By Lord Courtenay, from Board of Guardians of the Kingsbridge Union, County of Devon, for Alteration of the Poor Law.—By Mr. Antrobus, from Shopkeepers, Ratepayers, and Inhabitants of and in the Vicinity of the South District of the Borough of Lambeth; by Mr. D'Eyncourt, from Wholesale and Retail Dealers, Householders, and Inhabitants of and in the Vicinity of Grosvenor Square, Hyde Park; by Sir De Lacy Evans, from Householders, Workmen, and Inhabitants of Chelsea; and by Mr. Muntz, from Inhabitant Householders, Traders, and Inhabitants of Bedford Square, for the Adoption of Measures for Redeeming and Extinguishing the Tolls upon Waterloo, Southwark, and Vauxhall Bridges.

CUSTOMS DUTIES.

The CHANCELLOR OF THE EXCHEQUER moved the Third Reading of the Customs Duties Bill.

MR. HUME wished to make one remark in reference to this subject. Up to the present time, 640 articles had been struck out of the Tariff, including those of the present Bill, many of which required to be weighed by the custom-house officers, and occasioned great delay, expense, and inconvenience. Now he hoped that during the recess, the Chancellor of the Exchequer would inquire into the duty of every custom-house officer, and that he would be able by next Session to show a reduction of the expense of that establishment to a large amount; for it was impossible that the duties could have been carried on formerly with anything like propriety, if, after dispensing with the entries on so many articles, they could not dispense with a large part of the expense. He would also like to see a reduction of the number of commissioners. There were at present eleven commissioners; and he believed that the duty would be better done with three, provided they were men suited for the situations. He hoped also that in future the appointments to the Boards of Customs and Excise would not be made political appointments; he trusted that men would be appointed because they were fitted for the business, and not because the Government could do nothing else with them. He would mention no names, but it was perfectly well known that individuals had been put in the Customs and Excise because they were good for nothing else. He hoped, however, that in future the appointments would be conferred because the parties were efficient men; that responsibility would be created by reducing the number of commissioners; that all the necessary forms connected with the collection of the public revenue would be simplified, and the number of officers reduced as much as possible. If the Government did not do this during the recess, he hoped some Member would early next Session move for a Committee to take the matter into consideration; but it would come much better from the Government, and he hoped they would do it. He wished likewise to see the hours of business extended at the Custom-house. There was great inconvenience experienced in consequence of the Custom-house closing at 4 o'clock. He would have every custom-house in the country kept open from 9 o'clock in the morning until sunset. If it was necessary to advance the salaries of the officers, do it; but by all means he wished to see facilities given for the transaction of business.

Bill read a Third Time and passed.

SMALL DEBTS BILL.

On the Question that the House go into Committee on the Small Debts Bill,

Lord G. BENTINCK said: I think, Sir, this is a Bill of too much importance for us to go into Committee upon, and just now, without hearing some further statements as to its principles and operations, from the promoters of the measure. I am well aware this measure originated with the late Government, and that Her Majesty's present Ministers have, as it were, received it from them as a sort of inheritance. At the same time it is a measure which will, if passed into law, confer more patronage on Her Majesty's Government than any other measure which for many years has been introduced into this House. I think, also, at this late period of the Session, when so few Members are present, we are entitled to a full and complete explanation as to the extent of patronage which the contemplated measure will bestow, and the whole extent of the expense which will be brought on the country by its operation. There is a power given in the second clause of the Bill, to divide every county into as many districts as may seem fit to Her Majesty's Privy Council. We ought then to know the aggregate number of districts into which the counties of England may be divided, for it appears, as the Bill at present stands, each district is to have a separate judge, and each judge is to have a salary of 1,200*l.* a year. That is, however, at the discretion of the Lord Chancellor of England. Each court is also to have a clerk with a salary of 600*l.* a year. Each court is also to have a treasurer, but for whom no amount of salary has been as yet defined, that being left to the discretion of the Commissioners of Her Majesty's Treasury to decide—that is, they are to decide how many treasurers there shall be, and the amount of salary appropriated for the services of each. It has been commonly supposed out of doors that the number of districts will in all probability be not less than 100. I have, however, learned since I entered the House, from the hon. and learned Gentleman the Solicitor for the Crown, that the estimated number of courts will not exceed sixty-five. I take sixty-five as the number of courts. Here we have sixty-five judges, with a salary of 1,200*l.* each, amounting to 78,000*l.*; we have sixty-five clerks, one for each judge, at a salary of 600*l.* a year, 39,000*l.*; these sums make 117,000*l.*—the amount of patronage which can be bestowed by a Minister of the Crown—and that large sum is totally irrespective of the salaries which will have to be paid to the treasurers, which is entirely left to the Commissioners of Her Majesty's Treasury. There is no other limit; so that taking all these things into consideration, I think we ought to hear, at least, the limit which is intended to be put to the salaries of those treasurers, the power of whose appointment rests with Her Majesty's Ministers. But there are other considerations which will arise out of the proposed measure, and which ought not to be omitted. Many of those officers will be paid by fees in addition to the salaries named; and some of those will have to be paid to the prejudice of those fees which are now paid and brought to the account of the Consolidated Fund, to meet in part the expenses of the High Court of Chancery. And it is one of the provisions of this Bill that the judges of those new courts are to perform many of the duties which now belong to the High Court of Chancery; for, from anything which distinctly appears to the contrary, those judges will have the power to act in the country as masters of Chancery; and for all these services they are to be paid by fees in addition to their regular salaries; and those fees will be paid to the diminishing of the fees—with the exception of about 5,000*l.* a year to counterbalance the expense of the Court of Chancery—which constitute those sums now paid into the Consolidated Fund. The annual expense of the Court of Chancery now is, in round numbers, say 139,000*l.*; 134,000*l.*, of this 139,000*l.* is made up to the Consolidated Fund by fees which it was the practice formerly to have paid to the officers of the Court of Chancery. But this sum arising from fees will be diminished in a very large degree, by the fees which shall hereafter be paid in the country to those officers to whom I have referred. It is right, therefore, that we should know how much those funds from which formerly the officers of the High Court of Chancery were paid, will be lessened by the new arrangement; and how it is proposed to make up that deficiency to the Consolidated Fund? Then, again, there is compensation to be given to the officers of all those courts who may happen to be superseded by the new courts about to be instituted. There are at this moment, I believe, in England, 450 courts of different descriptions, presided over by the respective officers; and for anything we know to the contary, they may all be superseded by the new courts which are to be established under the present Bill. If these 450 courts are abolished, all the officers of those courts who do not choose to undertake the duties of the new courts, or to whom that option may not be given, will be entitled to compensation at the discretion of the Treasury. We ought to hear from the Ministers what the amount of all this compensation will be, that we may have some sort of notion of what the expense really will be to carry into effect the provisions of this Bill. I have no charge to make against Her Majesty's Ministers; they came by the Bill and all its advantages in the course of inheritance. There is, to be sure, this difference—that formerly the patronage as to the appointment of those judges was in the hands of the Custos Rotulorum in each county; but that patronage, for which the former Bill provided, is now transferred to the Lord Chancellor, which greatly augments the patronage of the present Government. I am aware that much has been said on this point; and it may now be alleged that the Custos Rotulorum in each county may not be so fit a person to decide on appointment of a legal character as the Lord Chancellor. I must, however, say, that it is a matter for grave consideration, whether or not there should be placed in the hands of any Government patronage amounting to 117,000*l.* a-year, to be held out as prizes to the legal profession. Why, of itself, it is sufficient to purchase half the boroughs of England. I think that this patronage is too much to be placed in the bands of any Government. I object to going at all into the measure at this period of the Session, when the most of the Members of this House are out of town. We ought therefore to pause—before we consent to pass a measure which will make the Government of the day almost despotic at the next election. There are many other matters in the Bill which require amendment; but to which, perhaps, it will be more fit that attention shall be called when in Committee. I am bound to say, that I do not think that the measure will have the desired effect, of bringing justice home, as it is stated, to every man's door. There are also other points to which I shall refer in Committee the despotic power which the Bill will give to the judges of those courts, as from their decisions there will be no redress except in their own courts. Of this principle I cannot approve; but it may be better to defer details for the Committee. My object in rising was, to endeavour to elicit from Her Majesty's Ministers a full and distinct declaration of the whole extent of the power and patronage which the Bill will confer; at the same time I cannot refrain from expressing my strong opinion, that it is a measure of too great importance to be hurried through this House now in the latter part of August. Whether we look at the patronage which the measure confers on the Government, or at the great revolution which it effects in our system of jurisprudence, it ought to be deferred until the majority of this House are present next year, when the whole subject can be entered into in all its details, with that energy and discrimination which it really demands.

Sir G. GREY said, that when the Bill was read a second time, he had been prepared to enter more fully into a statement of the details and objects of it, but that he had been prevented by the fact of there being no objection raised to the principle of the Bill; that it had not been presented to Parliament then for the first time, but had been discussed in three or four different Sessions. The noble Lord said the Bill came to Her Majesty's present Ministers as an inheritance from their predecessors. But though the Bill had been left to them by the late Government, and some alterations had been made in it in its progress through the other House of Parliament—alterations which did not affect the principle or important details of the measure—still it was the same identical Bill that had been brought into Parliament by the Government with which he (Sir G. Grey) had himself been connected previously, in 1841. It had been presented to Parliament in succeeding years during the existence of the late Government; and he remembered that a Select Committee, to whom the subject had been referred, had confirmed all its most important provisions; and of that Committee the right hon. Gentleman the late Secretary of State for the Home Department had been a Member, and it was only owing to the late period of the Session at which it came before the House that it had not been passed into law. The present Bill had undergone the fullest consideration in the country, particularly in those parts which were most likely to be affected by its operations; and of the numerous suggestions and representations which had been received with regard to the Bill, he must say that as far as his knowledge went, not one single representation had reached the Government asking them to postpone it. Then all those representations with respect to its details had been entertained; and in every case where any suggestion seemed entitled to consideration, and where any objection appeared reasonable, and the alteration recommended could be made without departing from the principle of the measure the Government had adopted the suggestion. He had received numerous representations from parties who thought that important benefits were likely to be conferred upon the country by the passing of the Bill, earnestly praying that it might not be postponed beyond the present Session. Petitions had been presented to the House to the same effect. When the present Government had come first into office, this Bill was considered amongst others at the time pending before Parliament respecting which there was an impression that, considering their importance, it would be impossible to obtain full consideration for them at the present time. But finding a strong opinion in the House in favour of this measure, and having the best evidence that it was perfectly known in the country, and could take no one by surprise, the Government had yielded to the representations made to them, asking them to proceed with it; and in consequence he now asked the House to go on with the Bill. The noble Lord would recollect that during the present Session a great many local courts Bills had been stopped at the instance of the Government, because this Bill was before Parliament, on the distinct assurance to the House that a general measure having the same object in view would be passed, if possible, during the present Session. The noble Lord had asked for some distinct statement as to the expense the Bill would create, the number of districts into which the country would be divided by it, and the amount of patronage which it placed in the hands of the Government. With regard to the expense, it was impossible for him to say what amount of expense would be thrown on the Consolidated Fund by the Bill; because it was proposed that, according to a table contained in the schedule of the Bill, moderate fees would be taken for all the proceedings under and in it; and those fees would go to defray the expenses. Then there was a provision that, after a time, the Queen in Council should convert payment by fees into payment of salaries; and when that would take effect, the fees would be carried to the Consolidated Fund, and the salaries be paid out of that fund. The whole amount of expenditure would depend entirely upon the amount of business in the county, the business producing the fees. It was only then, after some experience with respect to the business, that the expense could be correctly estimated, and that the amount of the judges' salaries was to be fixed; whereas the noble Lord had assumed that each judge was to have a salary of 1,200*l.* a year. With respect to the districts, they might be of great extent. It was not necessary to divide the counties into districts in every instance. But in Middlesex or Lancashire, for instance, it would be necessary to divide the county into districts, for it would be impossible for one judge to get through all the business that would be thrown upon him in such counties. But there were parts of England where two or three counties might be thrown into one district; and there was a distinct power given in the Bill to include any part of a neighbouring county in the adjoining district; and if there were not enough of business to occupy the judge, it was provided this district might be consolidated so as to occupy the judges. With regard to the salaries, it was impossible to say now what precise number of judges were necessary, or what salaries the judges should receive; and the present proposal was that the judges should receive fees in the first instance, and if the amount of those fees should be excessive, there was a power given to the Secretary of State to diminish that amount, and fix the maximum beyond which they should not go to the judge, but should be carried to the Consolidated Fund. The maximum would be fixed at 1,200*l.*; but it by no means followed, as some of the judges would have more business than others, that the intention was that each judge should receive 1,200*l.* That was only the maximum, beyond which the Government could not go. As to the patronage, the question had been discussed in the Select Committee to which he had alluded, and it was a question which more than any other embarrassed those Bills. But if the placing of the patronage in the hands of the Government was to be a bar to the passing of the Bill, the public would forfeit the great advantages that must be derived from the measure; for after the fullest consideration the Ministers of the Crown had come to the conclusion, that in order to obtain efficient men the patronage should be placed, subject to the control of public opinion and the responsibility which attached to a Minister, in the hands of the Lord Chancellor. Besides, from the very nature of the business to be transacted in those courts, it must be evident that the lieutenants of counties could not be the best judges of the legal qualities of the parties who were to preside in them. The noble Lord had, however, admitted that it was better to discuss those matters in Committee; and when the House had resolved itself into Committee, he (Sir G. Grey) should be prepared to give any explanation to hon. Members which they might demand. With respect to the patronage, he might observe that, by a return which he held in his hand, of the course of legislation with regard to local Bills for the establishment of small debts courts, which would be merged in those under the present Bill, it appeared that of forty-two courts recently established, with the exception of two, the Lord Chancellor had the patronage of all. He might add that the gentlemen who held the office of judge in the present local courts would be eligible under the Bill; and with regard to compensation, the matter would be placed in the hands of the Treasury, according to the usual rule in such cases.

Mr. M. SUTTON said, that the late Government had hesitated with respect to taking into their hands appointments which would give so large an amount of patronage to the Government of the day. He admitted the general abstract principle that the patronage in such cases should be placed in the hands of the Crown; but the practical difficulty in this case lay in the circumstance of so great a number of appointments to be made at once; and he therefore thought that, in this particular case, there was some danger in placing the patronage in the Crown. According to the plan of the late Government, the appointments in the first instance were placed in the hands of the lieutenants of counties, the Government reserving to itself the right of filling up vacancies as they subsequently occurred. To the change now introduced in the Bill he objected, as also to the alteration in that provision of the Bill which declared that the judges of existing courts should be first judges in the new courts. He must say that on the questions of patronage and compensation, he much preferred the Bill as it had been brought in by the late Government. However, he did not feel justified in impeding its progress, as he believed it was earnestly sought for by the country.

The ATTORNEY GENERAL said, it seemed to him the questions of patronage and compensation would be better argued upon the clauses relating to them respectively. But in reference to what had fallen from the noble Lord and the hon. Gentleman who had spoken last he would offer a few words in explanation of the alterations that had been made in the Bill. He might observe, in the first place, that the alteration giving the patronage to the Lord Chancellor, had met with the entire concurrence of the late Solicitor General (Sir F. Kelly). It had been said that the Bill as it originally stood had vested the patronage in the lieutenants of counties. It certainly professed to do so, but in reality it did no such thing. There were at present eighty judges of local courts, and the Bill gave a right to those eighty judges to take office under the new Bill if they choose. But there were to be only sixty courts established under the Bill, so that there were to be eighty persons who would have a right to sixty places. Then the lieutenants of counties were to appoint to the vacancies; but there would be no vacancies whatever, there being twenty persons more than there were offices. The present Government then had done nothing to take the matter into their own hands; they only placed in plain language that which had been mystified by the late Government, and did in a straightforward manner that which would have been done indirectly by that Government. Every one of the offices touched by this Bill were constituted under Acts of Parliament, which provided that if there should be a general measure passed, their rights under the local courts should cease. Those parties then having taken office on the understanding that they were to have no vested rights, all they could fairly expect was, that if they were qualified for office they should be considered as eligible. There was no cause of complaint then on that score; nor was there on the ground of compensation. Those judges had no claim to compensation, because they had no vested interest. With respect to the new courts, it was expected the business would be so large as to give fees sufficient to defray the expenses of salaries, and also leave a large margin for compensation.

MR. S. WORTLEY wished to ask why, if the Lord Chancellor intended to appoint those now in office to be judges in the new courts, a provision to that effect was not introduced into the Bill? The late Government had voluntarily deprived themselves of the patronage; and when so many of the appointments of the existing courts had been made by the Lord Chancellor, or under special Acts of Parliament, the best course appeared to be to give the first appointments to those who had been nominated under such circumstances.

MR. ROMILLY bore testimony to the importance of the Bill. He wished the Government would take into consideration the propriety of extending the jurisdiction of the courts established by this Bill to other matters, and of combining a variety of duties, ministerial as well as judicial, now performed by a number of different officers. He thought payment by salary preferable to payment by fees.

MR. H. BERKELEY observed, that this measure was looked upon with the deepest interest throughout the country. From communications he had received from Bath as well as from Bristol, he learned that the measure was regarded as perfectly satisfactory.

MR. NEWDEGATE said, that if the Government had proposed to pass the Bill with such views and for such purposes as the hon. Member for Bridport had indicated, he (Mr. Newdegate) should have felt bound to oppose it, instead of supporting it, as he intended. The questions the hon. Member had raised were matters of the deepest importance, which the House ought not to be called upon to consider for the first time in the last days of a Session; but he (Mr. Newdegate) did not consider them involved in the Bill before the House. He certainly was not prepared to vote for or promote a series of extensive changes in our system of criminal jurisprudence, because an Act for the recovery of small debts was required. The appointment of an officer of justice to superintend all criminal proceedings, as proposed by the hon. Member, involved a departure from the system and practice of the English Constitution, and an assimilation to those of foreign countries, for which he (Mr. Newdegate) was not prepared. With respect to the other proposal of the hon. Member, namely, the entrusting the revision of the electoral registers to the judges to be appointed over the courts which were to be established under the Bill before the House, he would only observe, that there was abundant evidence appended to the Report on Votes of Electors, lately laid before the House by the Committee, for which he (Mr. Newdegate) had moved, that amply proved how little advisable it would be to place the revision of the electoral registers in the hands of local authorities. He would conclude by saying, that the trade and inhabitants of Birmingham, and those of other large towns, stood much in need of some better means than at present existed for the recovery of small debts; a necessity which had been aggravated by the abolition of imprisonment for debt. The hon. Member for Birmingham was unavoidably prevented attending in his place by the death of his brother-in-law, Sir Charles Wetherell, or he would have supported the Bill, as he (Mr. Newdegate) intended to do, for the purposes specified in its title.

Mr. HENLEY considered the question of patronage involved in this Bill as a very serious one. He was one of those who did not think that had the patronage been entrusted to the lord lieutenants it would have been in good hands. But it was not quite clear that it was wise to place so large an amount of patronage at once in the hands of the Crown. A very large proportion of the existing judges were attorneys, who if they retained their appointments must give up their practice. As they might be expected to prefer continuing their practice, a vast number of appointments would necessarily fall to the Crown under the operation of the Bill. He believed that if this Bill were confined to its professed object—the recovery of small debts, without any reference to damages and wrongs—it might be a very beneficial measure.

House went into Committee.

On Clause 9,

Mr. NEWDEGATE observed that he understood, from the statements which had been made by Members of the Government, that they were disposed to give legal gentlemen who filled existing judicial offices a preference in the appointments under this measure; and he wished to know whether there would be any objection to insert words in the Bill for carrying out that object?

Sir G. GREY could not assent to the suggestion of the hon. Member; but, without giving a pledge that existing officers would in all cases be appointed to judicial offices under this Bill, he might state that a preference would be given to those existing officers who were considered competent for the situations.

Mr. WAKLEY wished to know why the appointments to judicial offices under this Bill should be confined to one branch of the legal profession—why the judges should be selected from members of the bar only, to the exclusion of attorneys? It might not be very agreeable to gentlemen at the bar to hear it said that attorneys were quite as competent as they were for these situations; but he considered it most unjust that gentlemen in that department of the profession should be debarred from these judicial appointments. The attorneys had just as much capacity, as much legal knowledge, and possessed as much love of justice as any gentleman at the bar; and in his opinion their exclusion from these offices was in principle most unjust, and in practice most injurious. If they left to the Lord Chancellor the discretion of appointing fit persons from the bar, why could not they also entrust him with the direction of appointing fit persons from the attorneys? He considered that great injustice was done to a most respectable and honourable branch of the legal profession by excluding them from these appointments; and he would hereafter move an Amendment which would have the effect of rendering them eligible for such offices.

Lord G. SOMERSET considered that the discretion of making these appointments ought to be entrusted to the Lord Chancellor, who would, no doubt, take care to appoint properly-qualified persons. With regard to the question raised by the hon. Member for Finsbury (Mr. Wakley), he certainly thought that that class of the legal profession commonly called solicitors were rather hardly used by this Bill. This measure, he understood, contained a provision which rendered the present holders of judicial offices eligible for appointment as judges of county courts under this Bill; but if any of the existing officers should cease to hold their appointments, they could not hereafter be succeeded by solicitors. He must say that, under these circumstances, he thought their fair share in these appointments was withheld from the attorneys. He saw no reason why eminent solicitors, who had acquitted themselves creditably in their profession, should not be eligible as judges of these courts, and he thought the appointments ought to be open to them. At the same time, he did not mean to assume that the education of a solicitor was generally such as to render him equally well fitted for judicial office with a barrister. He thought that all persons who now held judicial offices in courts of this kind had a strong claim upon the Government for reappointment under the present Bill, unless some good reason to the contrary could be shown; and he understood that the right hon. Home Secretary concurred in this opinion.

Sir G. GREY said, that the words "barristers of seven years' standing," though they scarcely gave any adequate security for the appointment of efficient persons, still afforded some check, as they prevented the appointment of a man as judge to-day who had only been called to the bar yesterday. With regard to the fitness of attorneys to occupy judicial situations in these courts, he was quite ready to admit that there were some most learned men in that branch of the profession, who possessed very high qualifications for many important offices. But he wished it to be understood that no new provision had been introduced into this Bill. Indeed, if the attorneys were treated with hardship by this Bill, they were treated with equal hardship under a measure which had been introduced by the noble Lord opposite. He could assure the House, that there was not the least intention to throw any slight upon the attorneys; but, if the argument of the hon. Member for Finsbury were carried out, why should not attorneys be allowed to plead as advocates? and why should they not be eligible for seats on the bench in Westminster-hall? He considered that the best course was to adhere to the distinction which had been held between the two branches of the profession for a very long period; but he hoped it would not be supposed that there was any intention to slight that branch to which the hon. Member for Finsbury had referred—the attorneys.

Mr. HENLEY thought it would be much better if there were no definition with respect to the judges in the Bill, and that it should be left to the Lord Chancellor to appoint, on his responsibility, fit and proper persons. With respect to attorneys, they were either fit or unfit to be judges under this Bill. Now there was a provision in the Bill, that all attorneys who were at present judges in certain named courts for the recovery of small debts might be judges under the present Bill; and yet, in the same breath, the Bill declared that all future attorneys should be disqualified. Both these arrangements could not be right, and, therefore, he should be better pleased to see it left entirely to the Lord Chancellor to appoint fit and proper persons as judges.

The ATTORNEY GENERAL said, that the office of clerks of the courts to be created by the Bill had been set aside exclusively for attorneys. But as to their appointment to judgeships, he asked how it would be possible for the Lord Chancellor to judge of the fitness of any solicitor or attorney for such an office? Their profession did not bring their acquirements prominently before the public, or give that opportunity for a display of the talents peculiarly necessary for the judicial office which would be necessary to enable the public to form an opinion upon them. The education given to barristers and attorneys differed most materially. The attention of attorneys was not directed to those branches of the legal profession that would qualify them for the judicial bench; whilst the education of barristers, on the contrary, was of a nature peculiarly to suit them for it.

Mr. ROMILLY was of opinion, that the judges under this Bill ought not to be allowed to practice at all as barristers. Concurrent practice as a barrister unfitted a man's mind for the judicial capacity. If these judges were allowed to practise as barristers, it might be possible for interested parties to obtain an opinion from one of them in his character of barrister having reference to a case which he would afterwards have to decide on as a judge. He would therefore make these judges judicial officers and nothing else; he would take up their whole time in that way, pay them handsomely and liberally, and thus the country would really get cheap and good justice brought home to everybody's door.

Mr. J. S. WORTLEY thought the Government was right in not proposing to exclude the judges under this Bill from practising as barristers. How else could they hope to get good judges? Did they think a man fitted for the situation would abandon all the prospects of his profession for such a salary? He differed from the hon. and learned Member, who thought concurrent practice as a barrister unfitted a man for a judge. He knew three gentlemen on the northern circuit eminent as barristers and distinguished as judges; and of these he might mention the recorders of Hull and Leeds. The hon. and learned Member had said, that it might be possible to entrap a barrister in giving an opinion in reference to a case which he would afterwards have to decide on as a judge; but if he were a right sort of man, with a candid and strong mind, that circumstance would not prevent him from giving a proper decision on the case submitted to him as a judge. These courts would not take up all the time of their judges, and by attending Westminster-hall they would keep their weapons polished.

Lord J. RUSSELL considered that there were two ways of obtaining good judges. One was by giving very considerable salaries, and, as in Westminster-hall, separating them altogether from practice at the bar, to be wholly devoted to judicial questions in every kind of form. There was another mode in regard to less important judicial functions and more limited spheres, namely, by appointing persons who at the same time practised at the bar. In justification of this latter course, the instance of Mr. Baines, the recorder of Leeds, and other cases, had been mentioned; in support of the contrary view no instances were given, but it was simply said that persons practising at the bar could not exercise judicial functions as well. This last view, however, was not borne out by the fact; and every one must allow that the minds of such persons were likely to be constantly exercised, and to be in full vigour, upon legal questions. With regard to the plan of giving moderate salaries to persons to be placed in certain districts, to which they should be required to confine themselves, he (Lord J. Russell) thought that a mode which would fail of securing good judges. Those who did not very well succeed at the bar would be anxious to have these appointments; but men of talent, who knew they were likely to rise at the bar, would refuse them; and thus the country would be excluded from getting men of the greatest vigour of mind and the highest talent. No doubt there were men of good legal knowledge, who did not much practise at the bar; but the party who had this patronage would have great difficulty in saying who they were. When a man had risen to eminence at the bar, and had argued with ability, he had been subjected to a test; but in appointing these other persons there must be great uncertainty whether they were not men of very inferior talent, In Scotland, the judicial decisions of local judges had never given satisfaction; and all difficult cases were sent to the superior Judge, who was an advocate in the highest practice in the courts at Edinburgh; and by Act of Parliament the sheriffs were actually required to be habitually attending the Court of Session. Unless the House were disposed to go to a much greater expense than was contemplated, in prohibiting practice, they would be in danger of having men of very second-rate abilities and knowledge of law, and who in the course of a few years, would forget what they had known when practising. The objection, however, just made seemed valid, that a barrister ought not to practise in the district for which he was judge; and words should be proposed to obviate that.

Mr. WAKLEY moved, as an Amendment to the Clause, that attorneys be eligible for the office of judge in these courts. He did not propose that they should be appointed; but that the Lord Chancellor, if he found fit men acting as attorneys, should have the power of appointing them. He was sure that attorneys, if eligible for this office, would find no fault on the score of salary. For 1,200*l.* a year they would find men of great legal learning who would most readily accept the office. By the Bill of last year attorneys were made eligible for judgeships after ten years' practice.

The Committee divided on the Question, that the words, " or as an attorney at law," be inserted:—Ayes 16; Noes 53: Majority 37.

List of the Ayes.

Bentinck, Lord G.
Borthwick, P.
Brocklehurst, J.
Brown, W.
Collett, J.
Dickinson, F. H.
Escott, B.
Evans, Sir De L.
Gore, M.
Henley, J. W.
Hume, J.
Muntz, G. F.
Newdegate, C. N.
Pechell, Capt.
Waddington, H. S.
Williams, W.

TELLERS.

Sibthorp, Col.
Wakley, T.

List of the Noes.

Arundel and Surrey, Earl of
Berkeley, hon. Capt.
Bernal, R.
Bodkin, W. H.
Bridgeman, H.
Brotherton, J.
Buller, C.
Byng, rt. hon. G. S.
Cabbell, B. B.
Craig, W. G.
Dundas, Adm.
Dundas, D.
Ebrington, Visct.
Estcourt, T. G. B.
Etwall, R.
Ferguson, Sir R. A.
Fleetwood, Sir P. H.
Fox, C. R.
Gibson, rt. hon. T. M.
Grey, rt. hon. Sir G.
Hawes, B.
Hindley, C.
Hobhouse, rt. hon. Sir J,
Horsman, E.
Howard, P. H.
Jervis, Sir J,
Labouchere, rt. hon. H.
Layard, Capt.
Macaulay, rt. hon. T. B.
M'Donnell, J. M.
Maule, rt. hon. F.
Morpeth, Visct.
O'Connell, M. J.
O'Conor Don
Oswald, J.
Owen, Sir J.
Palmerston, Visct.
Parker, J.
Pigott, rt. hon. D.
Plumridge, Capt.
Rich, H.
Romilly, J.
Russell, Lord J.
Seymour, Lord
Sheil, rt. hon. R. L.
Somers, J. P.
Somerville, Sir W. M.
Stewart, P. M.
Turner, E.
Warburton, H.
Wood, rt. hon. C.
Wood, Col. T.
Wortley, hon. J. S.
Wyse, T.

TELLERS.

Hill, Lord M.
Tufnell, H.

Colonel T. WOOD moved as an Amendment, that the judges shall cease to practise as barristers when they accept office.

The Committee divided on the Question, that the words be inserted:—Ayes 12; Noes 57: Majority 45.

List of the Ayes.

Bernal, R.
Bridgman, H.
Cabbell, B. B.
Collett, J.
Estcourt, T. G. B.
Horsman, E.
Hume, J.
Oswald, J.
Romilly, J.
Waddington, H. S.
Wakley, T.
Williams, W.

TELLERS:
Wood, Col. T.
Warburton, H.

List of the Noes.

Arundel and Surrey, Earl of
Bentinck, Lord G.
Berkeley, hon. Capt.
Bodkin, W. H.
Borthwick, P.
Brotherton, J.
Brown, W.
Buller, C.
Byng, rt. hon. G. S.
Craig, W. G.
Dickinson, F. H.
Dundas, Adm.
Dundas, D.
Ebrington, Visct.
Escott, B.
Etwall, R.
Evans, Sir De L.
Ferguson, Sir R. A.
Fleetwood, Sir P. H.
Fox, C. R.
Gibson, rt. hon. T. M.
Gore, M.
Grey, rt. hon. Sir G.
Hawes, B.
Henley, J. W.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Howard, P. H.
Jervis, Sir J.
Labouchere, rt. hon. H.
Layard, Capt.
Macaulay, rt. hon. T. B.
M'Donnell, J. M.
Maule, rt. hon. F.
Morpeth, Visct.
Muntz, G. F.
O'Connell, M. J.
O'Conor Don
Owen, Sir J.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Pigott, rt. hon. D.
Plumridge, Capt.
Pryse, P.
Rich, H.
Russell, Lord J.
Seymour, Lord
Sheil, rt. hon. R. L.
Sibthorp, Col.
Somers, J. P.
Stewart, P. M.
Turner, E.
Wood, rt. hon. C.
Wortley, hon. J. S.
Wrightson, W. B.
Wyse, T.

TELLERS.
Hill, Lord M.
Tufnell, H.

Clause agreed to.

House resumed. Committee to sit again.

House adjourned at Ten o'clock.

HOUSE OF LORDS,

Friday, August 21, 1846.

Minutes.] Public Bills.—2ª· Wreck and Salvage; Naval and Military Departments; Steam Navigation; Lunatic Asylums (Ireland): Income Tax Deduction-Customs Duties (No. 2); New Zealand Loan Act Amendment.

Reported. Commons Inclosure (No. 3); Public Works and Fisheries; Public Works (Ireland) (No. 3); British Possessions; County Works Presentments (Ireland) (No. 2); House of Commons Offices; Spirit Licenses, etc. Duties; Turnpike Roads (Ireland); Lunatic Asylums and Pauper Lunatics; Public Works, Fisheries, etc.; Public Works Commissioners (Ireland); Baths and Washhouses (Ireland); Contagious Diseases.

3ª· and passed. Exclusive Privilege of Trading Abolition (Ireland).

DEATH BY ACCIDENTS COMPENSATION BILL.

Lord CAMPBELL moved that the Commons' Amendments to this Bill be agreed to. The Bill originally provided that the compensation granted by juries should go to the next of kin; but the other House had made an Amendment by which the compensation was to be apportioned among the members of the family. He regarded this Bill as the most important measure that had come before their Lordships since the Corn Bill. Its effect would be that, if railway companies, from a spirit of false economy, carried on their undertakings without proper stock, or appointed persons destitute of competent skill to work their lines, juries would be able to give such an amount of compensation to the families of those who lost their lives in consequence as would read such companies a proper lesson. It had been stated in the other House, when it was known that he had had charge of the Bill, "that it was carelessly drawn," and that "it must have been framed by an amateur legislator." Persons who made such statements could not be aware that the Bill had been the subject of much careful consideration, and that it had received the Amendments and been approved of by the present Lord Chancellor, the late Lord Chancellor, and Lord Denman. Taken in consideration with the Deodands' Abolition Bill, which had received the Royal Assent, the present measure effected a most important amendment in the law of England.

Commons' Amendments considered and agreed to.

CONTAGIOUS DISEASES BILL.

The Marquess of LANSDOWNE, in moving the Order of the Day for going into Committee upon this Bill, said it was a Bill for the more speedy removal of nuisances. Their Lordships would recollect that in the 2nd or 3rd year of the reign of His late Majesty King William IV., on the appearance of cholera in this country, he (the Marquess of Lansdowne) introduced a Bill for the purpose of the more effectual prevention of cholera, by authorizing the Privy Council to promulgate certain regulations which were to have the force of law under peculiar circumstances. That Bill met with the approbation of their

Lordships and the other House of Parliament; and having been carried, it had worked extremely well, had produced the most beneficial effects in many instances, and had not been the subject of any sort of complaint whatever; it was, however, thought right at the time to make it only a temporary Bill, and it had some time since expired. Now, although he had the satisfaction of already stating in that House, what he was now enabled to state with greater confidence than before, that, notwithstandiag a great deal of apprehension had existed during the summer with regard to the reappearance of that malady in this country, there certainly had been no instance whatever in London, or, as far as he was informed, in England, in which the peculiar features of that malady had been met with; yet it was true that that season had been altogether unwholesome, and attended with a great deal of illness, not partaking of the graver character, but certainly having the tendency, and of that peculiar description which is promoted by a want of cleanliness, morality, and of the proper channels in the neighbourhood of crowded districts to carry off the filth generated there. By this Bill, therefore, it was intended to provide that where, in any district, two medical officers should go before two justices of the peace and declare their opinion that the state of any particular dwelling or mass of dwellings was such as to cause a just alarm of their originating a contagious disorder, those justices should have the power of causing those dwellings to be whitewashed by the inhabitants. There was to be a power to proceed against the owner or occupier; for, in many instances, the occupiers were so poor that they were not capable of carrying the law into effect, and the owner should be charged. The Act was to be put in force by the town council; and where there was no town council, by the trustees or commissioners for paving and cleansing; and where there was no such body, then by the boards of guardians. Independently of the apprehensions which had existed with respect to the cholera, it was highly expedient to improve the law for better cleansing the habitations of the poorer classes.

The Earl of RANFURLY inquired whether the Bill was to extend to Ireland?

The Marquess of LANSDOWNE replied, that it was the intention of the Government to introduce another Bill similar in its character, for Ireland.

The Earl of ELLENBOROUGH entirely approved of the provisions of the Bill; but he hoped in the observations the noble Marquess the President of the Council, had made, he did not intend to convey that the cholera was a contagious disease.

The Marquess of LANSDOWNE, in reply, observed that the noble Earl had mistaken his meaning. He had not said, neither did he intend to convey, that the cholera was a contagious disease. The highest medical authorities in the kingdom had stated it as their opinion that the disease was not a contagious disorder

The Earl of ELLENBOROUGH merely called attention to the noble Marquess's observations in order to prevent alarm, which in many cases had the effect of causing the disorder.

Bill reported, without amendment.

House adjourned.

HOUSE OF COMMONS,

Friday, August 21, 1846.

Minutes.] Public Bills. — 2°· Patent Commissions; Waste Lands (Australia(; Pawnbrokers.

Reported. Constabulary (Ireland); Public Works (Ireland) (No. 4); Public Works (Ireland) (No. 5); Consolidated Fund (Appropriation); Poor Employment (Ireland); Ecclesiastical Patronage; Private Bills; Leases (Ireland).

3°· and passed. Court of Exchequer (Ireland).

Petitions Presented. By Mr. Disraeli, from Charles Miller, M.A., Clerk, for Repeal or Alteration of the Tithes Commutation Act.—By Mr. Greene, from Chemists and Druggists, part being Members of the Pharmaceutical Society of Great Britain, residing at Stamford, in the County of Lincoln; and by Mr. Villiers, from Chemists and Druggists residing at Wolverhampton, praying that the Spirit Licenses and Duties Bill may not pass into a Law.—By Mr. Disraeli, from the Inhabitants of Bradford, for an Investigation into the Working of the Anatomy Act, with a view to its Repeal.—By Mr. Disraeli, from Woolsorters employed at Messrs. Walkers and Co., in the Parish of Bradford, in the West Riding of the County of York, praying the House to pass without Delay an efficient Ten Hours' Bill for Women and Young Persons employed in Factories.—By Mr. Wakley, from General Inhabitants of Newark, in the County of Nottingham, for the Abolition of the Punishment of Flogging in the Army and Navy.—By Sir William Somerville, from Guardians of the Poor of the Poor Law Union of Navan, in the County of Meath, Henry Murdyth, Chairman of the Board, for Alteration of the Law respecting Grand Jury Presentments (Ireland).—By Sir George Grey, from Members of the Provincial Medical and Surgical Association, assembled at Norwich, on Wednesday the 19th of August, 1846, the said Association comprehending One Thousand Eight Hundred and Fifty-six Medical Practitioners, in favour of the Medical Practitioners Bill.—By Sir De Lacy Evans, Mr. Hawes, and Mr. Wakley, from Journeymen Pawnbrokers of the Parishes of St. Ann, Soho, St. George's, Hanover Square, Saint Martin's in the Fields, St. Mary, Newington, St. Luke's, Old Street, St. Giles's, Cripplegate, St. Mary and Christ Church, Lambeth, and Marylebone, from Inhabitants of Clerkenwell, and from Master Pawnbrokers of the City of London and its Vicinity, in favour of the Pawnbrokers Bill.—By Mr. Alderman Humphery, from Inhabitants of the Parish of Saint Mary Magdalen, Bermondsey, in the County of Surrey, respecting the Operation of the Poor Law in the said Parish.—By Dr. Bowring, from Guardians of the Poor of the Parish of Ilfracombe, in the Barnstaple Union, against the System of contracting Marriages in Union Workhouses.—By Sir W. Somerville, from Merchants, Residents, and Traders of and in the Vicinity of Dockhead and Rotherhithe, in the County of Surrey, and by Sir Thomas Troubridge, from Manufacturers, Wholesale and Retail Traders, and other Inhabitants of and in the Vicinity of St. Pancras Road, in the County of Middlesex, for the Adoption of Measures for Redeeming and Extinguishing the Tolls upon Waterloo, Southwark, and Vauxhall Bridges.

RAILWAY COMMISSIONERS.

On the Motion that the House resolve itself into a Committee on the Railway Commissioners Bill,

Colonel SIBTHORP said, the Bill would entail great expense on the country, besides giving an increased patronage to the Government; and it would also have the effect of establishing another Board of Commissioners like to the New Poor Law Board, of which they had heard so much of late in regard to the way in which they had done their duty. He hoped the Chancellor of the Exchequer would give the Bill a little more consideration, which he had no doubt would lead to its postponement until the next Session. A measure of such importance should be allowed sufficient time for consideration. He felt such strong objections to the Bill, that unless his proposition was fairly met, he would move that the Bill be put off for six months. If he did not succeed in that, he would move to have the sixth and seventh clauses expunged.

Mr. HENLEY would make this proposal to the noble Lord at the head of the Government, that if he consented merely to transfer the powers possessed by the Board of Trade to this new Board, leaving other matters to be the subject of future consideration, he was not disposed to give further opposition to the Bill; but the latter part of the Bill gave powers to which he must object; and which was too weighty a subject to be considered in the present thin state of the House. If the suggestions thrown out were not attended to, he should feel it his duty not only to oppose the Bill, but to contend against every clause of the Bill.

Mr. HUME considered that a Board of the kind proposed to be appointed, was in the present state of railway business absolutely necessary. If the hon. Gentleman who had objected to the powers conferred by the Bill, had been, like him, on the Committee which suggested the appointment of the Board, and had heard the evidence of the engineers and others who were examined, he would not consider the powers more than were required under the circumstances.

Lord G. SOMERSET said, that had that evidence been before the House to which the hon. Member for Montrose referred, the Members of that House might be enabled to form an accurate opinion on the Bill before them, otherwise they must be in great ignorance on the subject. Why should that House be called on to legislate on the present measure, when that evidence was not placed in the hands of Members? His opinion was, that the Bill either went too far, or did not go far enough. It went to establish a new Commission, and at great expense, while it conferred neither powers nor authority which the Privy Council did not already possess; that was a serious objection. He was in favour of such a Commission, if suitable powers were conferred, and its duties properly defined. The question really resolved itself into this—was there a necessity for the formation of such a department? But whether there were or not, the Bill did not appear to carry out what might be considered the important objects for which it was intended; at least as far as he could see. Had he no objections to the principles of the Bill, he must object to it because of the late period of the Session in which it was introduced.

The CHANCELLOR of the EXCHEQUER said, it would be time enough when the House went into Committee to consider the clauses which appeared to be objectionable. He was fully aware of the inconvenience of bringing forward the question at this late period of the Session; but if they did not appoint a railway board now, they would be in the same position next Session as they were at the beginning of this Session; and, under these circumstances, he thought it much better that they should pass the present Bill. They all knew that abuses existed; and there was no proper machinery to put a stop to them. He did not by that observation intend to impute the slightest blame to the Members of the Board of Trade, although there were general complaints that the business had not been fully attended to by that Board: they arose from the multifarious duties the Board had to perform. He hoped the new department would, by its superintendence, prevent illegal acts of every description from being committed by railway companies, and particularly in the prevention of such conduct as was recently brought under the consideration of the House—a railway company borrowing sums of money in a way to which it was not entitled. He fully anticipated if the Board were established, that at next Session of Parliament it would have acquired that experience by which it would be enabled to give the most important information as to the future guidance of legislation.

Mr. BORTHWICK thought the principle of the measure one of great importance indeed; for, construe it as they might, the step now taken was neither more nor less than to appoint what would ultimately be considered a Secretary of State for the Superintendence of Public Works; and he thought the sooner they brought it to that point the better. He was not fond of borrowing much from our neighbours on the other side of the channel; but he confessed he did think that a department of Government constituted on the same principle as that of the Minister of Public Works in France might be extremely useful in this country in the present state of things; because the operations of railways, whether considered in a commercial point of view, or in regard to their more remote but not less important social objects, were of gigantic importance and of enormous consequence to the best interests of the country; and ought at once to be placed under the care of a distinct department of Government. He cordially agreed, therefore, in the object of the present Bill, though he considered it defective to this extent—that it conferred too limited powers upon the Board for the objects which it proposed to accomplish. He would wish to see the Board have a more permanent character, a more ample responsibility, and more abundant powers.

Mr. ESTCOURT would give the Bill his cordial support. It might be true that the Board of Trade had all the powers which it was proposed to confer on the new Board; but he could not forget that during this heavy Session of Parliament, when the House had had more to do with railways than on any former occasion, they had not received one iota of assistance from the Board of Trade. He did not blame the Board of Trade for this; he admitted that its reports last year had been received with less deference than they deserved; and the Board might on that account not care to proffer much assistance. With respect to the present Bill, he did not believe that it was possible for the ingenuity of any man satisfactorily to frame a law, and construct all the powers with which it was necessary to invest the proposed institution, in the short time the right hon. Gentleman had had to prepare the measure; and if the law were to be allowed to continue in a crude, ill-digested, and ill-arranged shape, he admitted that it would be more mischievous than even the absence of such an institution; but, on the other hand, if the Board were constituted with the limited powers contained in the present Bill, it would be an essential part of the duty of the Board, morally speaking, although not defined by the Bill, in the course of the recess, to prepare another Bill, containing all the powers which their inquiries and experience would show to be essentially necessary to enable them to fulfil the objects which the House had in view.

Mr. HORSMAN concurred in the necessity of the present measure, and thought the Chancellor of the Exchequer had exercised a wise discretion in confining the Bill to those points on which the public were pretty generally agreed.

Mr. P. HOWARD trusted that the Board when appointed would direct its attention to the subject of the excessive speed of railways, which was the occasion of so many accidents.

Mr. B. ESCOTT thought that the speed on railways was a great public convenience, and should not be reduced. He should, however, in consequence of other circumstances, join in suggesting that the consideration of the present question should be deferred until the ensuing Session. The great evil in railway legislation was, that when a Bill was introduced it was considered not on its merits, but according to what were the interests of the shareholders —and particularly of shareholders who had seats in that House. That was an evil for which the present Bill provided no remedy, as it left full power to Members of Parliament to vote on subjects in which they were personally interested—a power which they should not have. No system of railway legislation could go on satisfactorily while contractors in railways, Members of that House, who had large sums embarked in them, were allowed to vote, and decide by these votes what Bills should be carried and what Bills should not. It had been said, that the Board of Trade was so overcharged with work, that it could not attend to the business which would devolve on the new department. Had the Board of Trade said so? Had that Board declared that it was so overloaded with work, that it could not attend also to this public duty? Not one Member of that Board had said so. He did not wish to throw out any insinuation against the Board of Trade. He believed it to be composed of useful public servants; but still it was too much to call on Parliament to constitute a new department expressly for the purpose of lightening their burdens, and especially when there was no remonstrances that that Board was overburdened.

Lord J. RUSSELL merely rose to say a few words on the subject before the House. Since the introduction of the Bill, he had taken considerable pains to ascertain its necessity; and he understood that it was the general opinion of Committees of both Houses, as well as of those persons who turned their attention to the subject, that it was desirable to have such a Board as that contemplated in the Bill before the House. When the measure was introduced to the House, it was stated that if it should be thought that this was not the proper time to bring it forward, and if it were found that a general assent would not be given to the measure, it should be given up. After taking due time to consider, as he understood there was no objection to the proposition, the Bill was brought forward; indeed, the preponderance of opinion in favour of it was so great, that they meant to proceed with it. Paying all due deference to the opinion of the hon. Member for Winchester, yet his opinion could not weigh in opposition to all those who were ready to support the Bill. He did not think it possible, if the duties of the proposed Board were to be added to the Board of Trade, that they could be adequately performed, considering what that Board had already to do. It was, therefore, desirable that the Bill should pass without delay. The House, therefore, had better proceed with the measure, although it was found impossible to invest the Commissioners who might be appointed under the Act, with all that power and authority which could be exercised by Railway Committees in Parliament.

Mr. S. WORTLEY thought that the Bill ought only to continue until the end of next Session.

Mr. WARBURTON said, that the difficulty which was to be contended with year after year, was the influence of Members of that House who were connected with railways; which influence was considerably on the increase in both Houses of Parliament; and, unless the new department now about to be instituted could stem that influence and power, it would not effect much good, nor would it secure the confidence of the public. Any one who sat on Parliamentary Committees connected with railways must be aware of the number of Bills which were introduced, and of the immense number of clauses of which they consisted, many of which involved interests often very injurious to the public; but they were so involved and intricate, that instead of being rejected, they passed in the lump without consideration. It might be wrong to set up a board without accurately defining its duties; but as the present Bill arose out of a case of emergency, he would give it his support.

Mr. MUNTZ was of opinion, that in regard to the difficulties which attended the subject, the state of matters would not be improved by delay. He anticipated a great saving of expense to the country from the institution of such a board as that proposed.

Mr. WAKLEY did not think the report presented yesterday was such as to induce the House to entertain much regard for Commissions or Commissioners. But the disadvantages which might attend such boards, might, in some cases, be met by countervailing benefits. Considering the gigantic evils connected with the railway system, he could imagine nothing more incompetent or insufficient for the removal of those evils than the proposition before the House. He disliked the division of authority. Why should not one man be selected to superintend the department which the Bill proposed to entrust to five? Those five Commissioners had no efficient authority; all they could do was to report in certain cases; and on going over the Bill, he really could not discover that they would render any services to the public: with such a number, the responsibility was so divided, that blame could not be brought home to the proper parties, unless a Committee were to sit for four or five months to carry out an investigation. But if they had one man to deal with, they knew where to put their finger. Looking to the incomplete and inefficient powers given by the Bill, he for one should entreat the Government to postpone the measure till another Session of Parliament. From the tone of the noble Lord (Lord J. Russell), he inferred that the noble Lord's own inclination was to follow that course.

The House divided on the Question that

the Speaker do not leave the Chair:—Ayes 64; Noes 0: Majority 64.

[We need not publish the List of the Ayes; the two tellers for the Noes were Colonel Sibthorp and Mr. Escott.]

House in Committee on the Bill.

On the First Clause being put,

COLONEL SIBTHORP was surprised at the conduct of those Gentlemen who, after having spoken against the Bill, yet voted for it when the House came to divide. Thank God! he had never been guilty of such despicable conduct; his course had always been consistent and independent. The introduction of so important a Bill as this at so late a period of the Session, was nothing less than a gross trick played upon unsuspecting and absent Members. Had he chosen last night, he could have stopped the further progress of the Bill this Session, because there were not forty Members present at the time that it was read a second time; but he scorned any underhand work.

LORD G. SOMERSET said, that whatever were the formation of the new Board, its superintendent should be a political officer connected with the existing Government, and removable with that Government. If otherwise, the Government of the day would be obliged to support him in all the proceedings of the Board, however inconvenient—and yet such a consequence would follow if that public officer held his situation independent of the existing Government. The House had that observation fully verified in what occurred respecting the Poor Law Commissioners, the Government of the day being obliged to take their part, although not responsible for their proceedings. Let there be a proper efficient officer placed at the head of the department, assisted by a well-qualified secretary, and the best results might be expected to follow; but let it be arranged that the head of the department change with the Government. He did not think it would answer any good purpose to have a large board which would be even nominally independent of any superintending power.

The CHANCELLOR OF THE EXCHEQUER said, that the Government were of opinion that the President of the new Commission to be appointed under this Bill, should be a Member of either that or the other House of Parliament, so that he might be prepared to furnish any information connected with the Commission to such Members of the House as might desire it. He was happy to find that the jealousy of members of such boards holding seats in Parliament was rapidly dying away. The object of the Government in introducing this Bill was to appoint men in the place of the former Commissioners, who would command the confidence of the public, which, from some reason or other, the late Commissioners did not, notwithstanding their great talents and fitness for their office. The only new burdens which this Bill would impose upon the public would be the payment of the services of the President and two Commissioners.

Bill went through the Committee, and was ordered to be reported.

PATENT COMMISSION BILL—THE CHIEF JUSTICESHIP OF BOMBAY.

On the Motion of the ATTORNEY GENERAL that this Bill be read a Second Time,

LORD G. BENTINCK said: Mr. Speaker, I do not rise to cast any impediment in the way of carrying this Bill, for the purpose of covering the transactions which have of late taken place with respect to the appointment of the Chief Justice of Bombay; but after the observations that have been made upon my conduct, with reference to this transaction, elsewhere, I am sure the House will grant me this indulgence—I am sure the House will expect me to endeavour to justify my own course and conduct. I will not stop to excuse myself for having hastily, on Wednesday last, under an erroneous impression, expressed my apology to this House and two noble Lords for the charge which I made against them. Sir, I am told that by that retractation I have shown that I am a man of that levity that I can retract without investigation, as easily as I can make a charge without investigation. Now, Sir, if it were true that I had made little or no investigation before I made the qualified retractation I did the other morning, I should take little discredit to myself that upon the slightest suspicion that I had made an unjust and unfounded charge I had hastened to this House to retract it. But it will be in the recollection of the House that the retractation which I made rested upon the authority of the *Clergy List*. Now, Sir, if I am to be told that I displayed a want of investigation and great levity by making that retractation on the authority of the *Clergy List*, I take leave to say that the nobleman who has made this charge of levity against me is the last who ought to have made it. The *Clergy List* is, as we all know, nothing more than a collation from and a copy of the Ecclesiastical Report laid before Parliament. That Ecclesiastical Report was made by a Royal Commission issued in the year 1835 by the Government of which Sir R. Peel was the head in this House, and Lord Lyndhurst, the Lord Chancellor, in the other. That Report, which stated that this living of Nocton was not in the gift of the Lord Chancellor of England, but in the gift of the Hon. George Hobart, was signed, among other great names, by the Archbishop of Canterbury, the Archbishop of York, the Bishop of London, and the Bishop of Lincoln, in whose diocese this place happens to be, by the Marquess of Lansdowne, Mr. Goulburn, and many others. I think, therefore, Sir, that it cannot fairly be said that it was not on light grounds that I became alarmed on this point, and the conviction seizing me that I might be in error, I hastened to this House to withdraw the charge; but for the substance of the charge, I say now again, when it turns out that my correspondent was correct in his information, and the Report of the Ecclesiastical Commission wrong, as I said before, that it is a subject of great suspicion. Sir, I do not pretend to say that, in a matter of this kind, which takes place between two Cabinet Ministers, Colleagues in office, it is likely that I should be able to produce letters, or documentary evidence, absolutely to prove my case; but when I remind the House of the circumstances which took place on these occasions, I think, Sir, that the House and the country will consider that, notwithstanding the explanation which has been offered elsewhere, the matter is still one of grave suspicion, and that there has been, to say no more, at least a friendly exchange of patronage between the two Cabinet Ministers. Sir, it will be in the recollection of the House that the President of the Board of Control received a letter from Sir H. Roper, not a letter of resignation, but a conditional offer to resign on, but not before, the 2nd of November next. Sir, that letter was written on the 14th of February last, and arrived in England at the Board of Control on the 27th of March. By the admissions made elsewhere, we learn that the appointment was offered, in the first instance, to a gentleman of eminence at the bar, and that this offer was made by Lord Ripon without any previous communication with Lord Chancellor Lyndhurst. The offer, however, was declined by the gentleman to whom it was made. This must have occurred between the 27th of March and the month of May. Dean Hobart died suddenly on the 8th of May; and I could, if I had a Committee of Inquiry, show that up to this time the answer to all applications made to the Lord Chancellor, or at least to many of them, was, that the office of the Chief Justice of Bombay was not in his gift, but in the gift of the President of the Board of Control. Well, Sir, as I said, on the 8th of May the Dean of Windsor, the incumbent of Nocton, died suddenly. My Lord Brownlow, as is proved by the correspondence, and in the account of this matter given elsewhere, which has since been published in the newspapers, applied for the presentation to that living. The living of Nocton is worth 800*l.* a year, though its cure of souls amounts but to 553. My Lord Brownlow's candidate, Mr. Bagley, was the favourite; but my Lord Ripon and Lady Ripon alike expressed the most intense desire to have this patronage disposed of in the way they pointed out to the Lord Chancellor in favour of a friend of theirs. My Lord Brownlow was disappointed. Lord Ripon's candidate was presented to the living. What happens afterwards? Why then, we are told, Lord Chancellor Lyndhurst sent down the names of some six or seven gentlemen, for his approbation, to the President of the Board of Control, as being persons suited for this high judicial office at Bombay. Well, we do not hear who these other gentlemen, besides Mr. D. Pollock, were, nor do we hear what degree of recommendation was given by Lord Chancellor Lyndhurst to each of them; but if I had a Committee of Inquiry, I think I should be in a condition to show that though Mr. D. Pollock had applied for the office of Chief Justice, not of Bombay but of Madras, some two or three years ago, yet that at his great age, two or three years making a considerable difference, he had not made any application on this occasion to be appointed Chief Justice of Bombay. More than this, Sir, I believe that this office was not only unsolicited by Mr. D. Pollock, but that Lord Chancellor Lyndhurst himself, through the interference of the Lord Chief Baron, was the person who almost forced the acceptance of this office on Mr. D. Pollock. Well, then, if I show you that Lord Chancellor Lyndhurst neither volunteered his advice, nor was asked for it, previously to the living of Nocton becoming vacant, but that after the 8th of May, when the Dean of Windsor had died, that his advice was sought, and that, then, after Lord Ripon's candidate had been preferred to the living of Nocton, Mr. David Pollock, by whose appointment a place could alone be made for the private secretary of Lord Chancellor Lyndhurst, was appointed Chief Justice of Bombay—shall I not have stated matters that make it as clear as it can be, that this was a friendly exchange of patronage between two Cabinet Ministers—one piece of patronage being in the Church, the other piece of patronage being in the law? But now Sir, for the statement which has been made. We are told by Lord Chancellor Lyndhurst that he had nothing to do with these appointments. I think, however, if the matter were inquired into, it would be clearly shown that he had a great deal to do with them, through the intervention of the Lord Chief Baron. We are told moreover, that these appointments occurred in regular course; that Mr. Phillips vacated his appointment as Chief Commissioner of Bankruptcy at Liverpool, in consequence of the vacancy made by the appointment of Mr. D. Pollock to be Chief Justice of Bombay. Now, Sir, we are sure that the appointment of Mr. Phillips took place on the 29th of June; and that the appointment of Mr. Pollock to be Chief Justice of Bombay did not take place till the 1st of July. So here is the appointment of the one preceding by two days the resignation of the other; and this is the second article of indictment I have to bring forward against these two Cabinet Ministers. The office of Commissioner for the Relief of Insolvent Debtors is an office created by an Act of Parliament passed in the year 1838, under which the appointments were vested in the Crown. The appointment of Chief Commissioner, as of every other Commissioner, is an appointment to be held, not during pleasure, but during good behaviour; these Commissioners are irremovable by the Crown, except on the joint address of both Houses of Parliament. At any rate, you have in this case of a high legal appointment a second instance where the resignation of the holder of the office is anticipated by the appointment of a successor, namely, of the Chief Commissioner of Bankruptcy from Liverpool. This, I say, is an infringement, not only of the common law and of the Constitution, but it is a direct infringement of an Act of Parliament. Again I am told that when I impugned the qualifications of Mr. Perry to hold the office of Chief Commissioner of Bankruptcy at Liverpool, in doing so I displayed such ignorance of these matters as renders me "wholly unworthy the attention of any reasonable assembly." Now, Sir, I for one do not wish to disparage the talents of Mr. Perry; I am willing to take Lord Lyndhurst's word for the great ability of Mr. Perry—for his untiring industry, for his great zeal, and his great integrity, and for his fidelity to his Patron—a virtue which I for one do not underrate—but, Sir, I say that Mr. Perry may possess all the talents and good qualities that Lord Lyndhurst may be willing to attribute to him; yet, nevertheless, I have a right to charge Lord Lyndhurst, in the name of the public, with impropriety in the appointment of this gentleman for an office of this highly responsible character, where he must have the adjudication of causes involving, in one of the greatest commercial towns in the Empire, property to the annual amount of between 200,000*l.* and 300,000*l.*; I have, I say, in the name of the public, a right to impugn the appointment to such a situation of any one who has not the public confidence as well as the confidence of the Lord Chancellor himself. The public have a right to expect that, for an office of that importance, a barrister of high distinction—of talents not only known to his private friends, but to the public also—ought to be appointed; and I dare appeal to the bar, and ask the bar whether they were satisfied when Mr. Perry was appointed to that office? Yes, Sir, I dare ask whether the bar was satisfied when a gentleman was appointed to that office, who, I stated the other evening, had been ten years out of practice, but, as I am informed to-night, has been nineteen years out of practice? Is it possible that in such circumstances that gentleman is so well qualified by his public acts, and so well known to the public, as to entitle him to the confidence of that great community, a large portion of whose affairs he is appointed to adjudicate? I think, therefore, that whilst I am perfectly willing to admit that Mr. Perry may have all the good qualities that Lord Lyndhurst has ascribed to him, yet since he has not had the luck to rise in his profession to public eminence, he is not a fit person for the appointment of Chief Commissioner of Bankruptcy at Liverpool. Sir, I now come to the original charge, which is the appointment of Mr. D. Pollock to be

Chief Justice of Bombay. It has been endeavoured by the defenders of these transactions to be set forth, that it is only a common error that has been made in this case, and that it is a mistake which has been committed by all previous Governments of this country; and many instances were quoted to prove that assertion. But I want to know if there is any single instance in which a Chief Justice has been instanter superseded on his announcement of his readiness to make a prospective resignation? I should like to see all the letters of resignation that have been written by the different Chief Justices in the Colonies; and I venture to say, that there will be found none which will run on all fours with this case. Let it be remembered that Sir H. Roper did not offer to resign absolutely; he distinctly and plainly stated that he would resign on the 2nd of November following, when he should have completed the period of service which entitled him to a retiring pension, but not before. Nevertheless on this communication being made to the Board of Control, Her Majesty's Ministers—for there are four of them concerned—take on themselves immediately to appoint Sir H. Roper's successor, contrary to law, and sacrificing Sir H. Roper's right and title to the increase of pension, to the extent of 300*l.*, to which he would have been entitled by holding on his office till the 2nd of November next. I say this is intolerable; for, though the Crown has the absolute right to remove at pleasure in these cases, yet as such proceedings would be contrary to justice and to the spirit of the Constitution, if the affair had stopped here it would not have had the sanction of Parliament. But, Sir, it does not stop here. We are told that this is only a blot, which now, for the first time, has been hit; but I must remind Lord Lyndhurst and the House that I am not the first who has hit this blot. This blot was first hit by Mr. Stephen, the Under Secretary of the Colonial Office. The President of the Board of Control was warned by a letter from the Colonial Office, that what he was doing was contrary to law. The first demand for letters patent to be made out, appointing a new Chief Justice for Bombay, was forwarded by the President of the Board of Control to the Colonial Office on the 16th of June. It was returned dishonoured by the Colonial Office. The President of the Board of Control, though we hear from Lord Lyndhurst that he is no lawyer, was *pro hac vice* made a lawyer, for he was informed by Mr. Secretary Gladstone that this which he desired to do was contrary to law, and that it was not legally possible to confer in reversion the Chief Justiceship of Bombay on Mr. D. Pollock. On this the letter to the Colonial Office was withdrawn. Whether the letter to a similar effect that was sent to the East Indian Direction was withdrawn too, I cannot pretend to say. I believe in their haste that was forgotten to be done. But, Sir, then came the question with Lord Ripon, "How are we to escape from the law?" The fact was, no appointment could be properly made, and he knew it. Yes, Sir, no appointment could with propriety be made, and Lord Ripon knew it. Unless an absolute resignation by the Chief Justice of Bombay had taken place, it was impossible, except by a violent removal of Sir Henry Roper; and therefore it became necessary that a resignation by him should be recited in the patent, revoking his appointment, and conferring it on Mr. D. Pollock, that Sir Henry Roper had resigned. They consulted for that purpose. They adopted—I will use no hard language—they adopted a legal fiction; the language of these "Letters Patent" was no cold and idle phraseology, it was no mere profitless form of words—they were words which put at the disposal of Lord Chancellor Lyndhurst the Chief Commissionership of Bankruptcy at Liverpool, worth 1,800*l.* a year. Lord Ripon wrote a new letter to the Colonial Office, in which he stated that the Chief Justice of Bombay had actually resigned. A patent was accordingly drawn out, and signed by Mr. Secretary Gladstone, affirming—deliberately affirming—not through any oversight, but of "*malice prepense*" affirming—that which he knew not to be true, that Sir Henry Roper had resigned. Now, of this complicated transaction—I must not call it, as I did once before, "a nefarious job"—but of this complicated transaction, the result is, that Lord Lyndhurst appoints a friend of Lord Ripon to this much-desired living of Nocton; Lord Ripon appoints, through the means of this legal fiction—not Lord Lyndhurst's friend, but—a gentleman whose promotion will make a vacancy for Lord Lyndhurst's friend, to the Chief Justiceship of Bombay. In the same way Sir J. Graham appoints to the office which is still held by Mr. D. Pollock, and then Lord Lyndhurst obtains the object of his own ambition, and of his own wishes—he has the Chief Commissionership of Bankruptcy at Liverpool worth 1,800*l.* a year to give away to his private secretary Mr. Perry. Now, recollecting all this, and recollecting that Sir J. Graham, as Secretary of State for the Home Department, appoints Mr. Phillips to the office of Commissioner for the Relief of Insolvent Debtors two days before any vacancy had been made in it; I trust, Sir, that I have, in the opinion of the House, made out a clear case in all the points that I originally took up; and having done that I hope I may be permitted to say a word respecting myself. Sir, I have been compared to Napoleon, of whom it is said, "that nothing was too great for his malignity, or too small for the grasp of his rapacity;" reference is made to "my early associations and early habits, which are assumed to have imbued me with "base, selfish, and sordid motives of action;" and the world is told that a charge coming from such a one as me finds its best antidote in the character of the calumniator. Now, Sir, I have no reason to feel ashamed of my early associations or habits. I have not yet abandoned, nor will I abandon, those associations. It is among the objects of my pride that I am still a steward of the Jockey Club. I say, Sir, that among the gentlemen of the turf there are men of as distinguished honour and character, and there ever have been men of as distinguished honour and character, as any to be found in political life. I am not about to retaliate, or to attack the life or character of the noble and learned Lord. Respect for his great age; respect for his high station; respect for his great abilities; respect, above all, for that position which denies to him the right of calling me to account elsewhere were I to address to him the language he has used to me, shall prevent me from retaliating, or from saying a word in disparagement of the private character of my Lord Lyndhurst. But when it is imputed to me "that there is nothing too great for my malignity, or too small for the grasp of my rapacity," and that I am governed by selfish, sordid, and base motives, I did hope that the whole course of my political life, in which it has been my good fortune to have such powerful friends as Mr. Canning and Lord Stanley, would have been a protection against a charge of being impelled by motives that are in any way either selfish, sordid, interested, or base. I have sat for eighteen years in Parliament, and eight years before that I had been engaged in public life under Mr. Canning; but from that time to this I have never received one shilling of the public money, except as an officer of the army in the service of the Crown; and I defy any Member of any Government to say, however faithfully I may have supported them, that I ever asked them for employment or patronage of any kind whatever for myself. Sir, I should not have been so much surprised if these charges had come from any other person than Lord Lyndhurst; I should not have been so much surprised if any one else had alleged against me charges of the description he has preferred. The noble and learned Lord has compared me to the most despicable insects, and has accused me of using coarse and venomous invective. Sir, I will not say of Lord Lyndhurst, as he has said of me, that his calumnies are coarse, or that his weapons are of the same description. I will not deny that his sarcasms are addressed in more classical language; I admit the sharp edge and polish of his weapon; I admit that while I wield the broad sword and the bayonet, he has skill to use the rapier, and uses it with the power of a giant. But when the noble and learned Lord accuses me of selfishness, of base motives, of sordid idea, and of rapacity, I think if he were to carry his memory back to Friday, the 10th of July last, it might occur to him that he ought to have been the very last man to charge one with whom he was willing and anxious so lately to associate himself of such vile attributes as these. If I have declaimed against the want of principle of the late Government—if I have vehemently attacked it in this House, those attacks were made previous to the 10th of July; and yet Lord Lyndhurst condescended on that day to send me a messenger, accompanied by his own secretary, whom I did not see—but the messenger was one whose truth I could rely upon, for he is a merchant in the city of London, respected not only in the city of London, but in each of the four quarters of the globe, where he has extensive transactions—Lord Lyndhurst condescended to send me a messenger, who waited upon me, not quite before I was out of bed in the morning, but who called upon me on this special and important business, such was his haste, before nine o'clock in the morning of that day. An exposition was given of what had passed in the Cabinet of the Queen, and a proposition was made to me—perhaps with no more truth than the charges which have been alleged against me by the noble Lord—but the proposition was made to me, in anticipation of the debate on the Sugar Duties, that the minority which was represented by him to exist in the late Cabinet upon it should join in supporting me upon that question I do not know whether Lord Lyndhurst and the three Colleagues who he intimated agreed with him were to serve with me or under me; but this I know, that had I been ambitious, had it been my object only to obtain power, the opportunity was offered me; whilst the breath which had announced the Royal Assent to the passing of the Corn Bill was scarcely cold, the proposition was made to me that I should join with those of the late Government, who, while they had supported, had condemned the measures of that Government. And it was proposed by Lord Lyndhurst that he should personally wait upon that selfish, sordid, base, and rapacious individual who is now addressing you. Sir, it was not necessary for me to do more than to decline the honour of the visit, and to refer Lord Lyndhurst to Lord Stanley. I know not whether it is the frankness of my language to his messenger, which may have been, unintended by me, repeated to him, which has not been forgiven; for certainly I intimated to that gentleman, perhaps in too strong language, the manner in which my feelings revolted against any such association; and while I said I would not interfere with others, if any there were, who might be willing to join in such a coalition, I stated, for myself, that I could be no party to it. And now, Sir, I trust I have justified myself in the eyes of the House and the country, and satisfied all that, at least up to the 10th of July last, and before I turned public attention to the personal conduct of the late Chancellor, I could not have been, in the estimation of Lord Lyndhurst, that base, sordid, selfish, and rapacious man he seeks now to represent me.

Mr. S. WORTLEY would not follow the noble Lord through the statement he had made, nor advert to more than one portion of it. It would be extremely painful to him to put himself in collision with the noble Lord; and he would not presume to undertake the defence of those hon. and noble persons to whom the noble Lord had referred. But there was one individual whose name was not so distinguished as theirs, and to whom justice was equally due; an allusion had been made to that individual, and to that alone should he refer. On a former occasion the noble Lord had alluded to Mr. Perry, and his appointment to the Court of Bankruptcy at Liverpool, in terms of condemnation; he had pronounced him as utterly unfit for that appointment, and he had that evening reiterated the assertion. He (Mr. Wortley) was not going to give any opinion of the qualifications of Mr. Perry, or of his fitness for the office; he had no personal acquaintance with Mr. Perry; he only knew that he had been a member of the bar for twenty-one years, and though he had not practised during a great part of that time, yet, as Secondary to the Lord Chancellor, he could not be otherwise than cognizant of the law of bankruptcy he was called on to administer. But he knew from Mr. Perry himself, that the noble Lord had been put in possession of facts for which he had listened in vain to the noble Lord's statement that evening, and which the noble Lord, in common candour, ought to have made known. [Lord G. Bentinck: I forgot it.] He would sit down immediately if the noble Lord wished to make that addition to his statement.

Lord G. BENTINCK: I am very glad the hon. Gentleman has mentioned the circumstance. I did not think it was of so much importance. I believe I stated on the last occasion, that Mr. Commissioner Holroyd went down to Liverpool as the "dry-nurse of Mr. Perry." It has been already stated in the other House, by Lord Lyndhurst, and so circumstantially that I thought there was no occasion to reiterate the statement here, that Mr. Holroyd went down to Liverpool on the 23rd of June, while the appointment of Mr. Perry was in agitation, no doubt to clear off the arrears. He left immediately Mr. Perry arrived, and the latter proceeded with his duties without any assistance.

Mr. S. WORTLEY rejoiced that the omission of the statement had been unintentional on the part of the noble Lord, and that he had given him the opportunity of supplying it. The matter was not of so little importance as the noble Lord considered; he did not intend to injure the reputation of Mr. Perry, but he could be hardly aware of the effect his imputation was calculated to produce on a Gentleman in Mr. Perry's position. The noble Lord had appealed to the bar to say whether the appointment was approved of by that body; but he apprehended the bar was a bad tribunal to refer such a question to; in the first place interest might sometimes warp its judgment; and he would remind the noble Lord that some of the most eminent Judges on the Bench, and the ablest functionaries of the legal profession, had been taken from comparative obscurity as regarded practice in the courts. The noble Lord could hardly have selected any terms more injurious to Mr. Perry. The fact was this:—Mr. Holroyd was sent down to help Mr. Ludlow, in the absence of Mr. Phillips; Mr. Perry arrived on Saturday night, and Mr. Holroyd returned to London on the Sunday, so that there was not the slightest reason for saying he had given any assistance to Mr. Perry. As to the rest of the noble Lord's statement, he should not touch it; those whom it concerned were well able to defend themselves.

Colonel WOOD asked the noble Lord, if the individual who waited on him from Lord Lyndhurst stated that had he any authority from other Members of the late Cabinet, or solely the authority of Lord Lyndhurst himself?

Lord G. BENTINCK: I stated distinctly that the messenger who came to me came authorized by Lord Lyndhurst alone. I distinctly stated that the allegation was made to me that other Members of the Cabinet were ready to join with him, but that very likely the representation had no more truth in it than the charges made against me.

Bill read a second time and committed.

SMALL DEBTS BILL.

House in Committee on the Bill.

On Clause 19,

Mr. WORTLEY said, he conceived that this clause did nothing more or less than convert those local judges into masters in Chancery. The clause was to the effect that the judges appointed under the Act should perform certain duties, and make certain inquiries and reports in causes depending in the High Court of Chancery. It, in fact, virtually made them masters in Chancery; and though it might be a good thing to have local masters in Chancery in the country, yet it would be a most important change in the Court of Chancery, and if at all made should be effected deliberately, and as a portion of a measure for reforming that court. But to introduce into this Bill a clause which the Legislature had scarcely an opportunity of considering, was extremely questionable. If the Government chose to persist in it, he would not divide upon it, but it appeared to him to introduce an extensive change in the Court of Chancery.

The ATTORNEY GENERAL said, that the exercise of the power to which the attention of the House had been called, would depend upon the Lord Chancellor, who would not set that power in motion except he was satisfied of the expediency of doing so; but at the same time it was well to give notice to the gentlemen who would be appointed judges that they might hereafter be called upon to discharge the duties referred to in the clause. There were many cases in the Court of Chancery where the fund was so small that the expenses of an inquiry in London would exhaust the fund; whereas that expense could be avoided if there was an authorized party in the country to examine the witnesses on the spot, and in point of principle there could no objection to it.

Clause agreed to.

The remaining clauses of the Bill were agreed to. The House resumed. Bill to be reported.

House adjourned at Eleven o'clock.

HOUSE OF LORDS,

Saturday, August 22, 1846.

Minutes.] Public Bills.—1ª. Consolidated Fund (Appropriation); Public Works (Ireland) (No. 5); Constabulary (Ireland); Leases (Ireland); Public Works (Ireland) (No. 4); Court of Exchequer (Ireland); Private Bills Poor Employment (Ireland).

2ª. Ejectments, etc. (Ireland); Rateable Property (Ireland).

Reported. Wreck and Salvage; Naval and Military Departments; Lunatic Asylums (Ireland); Income Tax Deduction; New Zealand Loan Act Amendment; Steam Navigation.

3ª. and passed. Commons Inclosure (No. 3); Public Works and Fisheries; Public Works (Ireland) (No. 3); County Works Presentments (Ireland) (No. 2); House of Commons Offices; Spirit Licenses, etc. Duties; Turnpike Roads (Ireland); Lunatic Asylums and Pauper Lunatics; Public Works, Fisheries, etc.; Public Works Commissioners (Ireland); Baths and Washhouses (Ireland); Fisheries (Ireland).

LORD LYNDHURST—EXPLANATION.

Lord LYNDHURST: My Lords, it is a great satisfaction to me that your Lordships have assembled to-day, contrary to your usual course; for I feel it incumbent upon me, for a short time, again to call your Lordships' attention to a matter personal to myself. It is quite unnecessary to make the statement which I am about to make with reference to many noble Lords who are Members of this House, because they are perfectly aware what has been the course of the transactions to which I shall refer. But as many noble Lords may not be aware of the transactions to which I am about to allude, I think it proper to make this statement with reference to them, and with reference also to the country. My Lords, it is not my intention to allude to the statement I made the other night, or to the facts to which I then referred; I must leave them to speak for themselves. But, in consequence of a representation supposed to have been made last night by a noble Lord (Lord G. Bentinck) in the other House of Parliament, I consider that some answer to that is necessary. My Lords, immediately after the present Government was formed, the different Members of the Conservative party appeared to me to show a desire again to unite and to forget their differences. That was the case in this House; and it appeared to me extremely desirable to effect the same object in the other House. I thought it desirable that I should make the attempt, because, from the position in which I stood, it was well known that I was not a candidate for official appointment, and I thought I might undertake the task without a suspicion that I had any personal objects in view. I therefore communicated with several of my Friends who were Members of the other House. I told them what I thought it desirable should be accomplished. I represented to them that it was of great importance that former differences should be forgotten, now that the great measure was passed which had led to those differences. I stated that not with reference to any particular measure or set of measures. I desired that the Conservative party might be re-formed, and that they might then take such a course as was considered advisable. I thought it desirable, in order that I might not be subjected to any misrepresentation, that I should let other persons know of my intentions, and also that I should communicate with the right hon. Baronet at the head of the late Government. I waited upon him, and stated what I intended to do—not for the purpose of obtaining any opinion from him —not for the purpose of obtaining his concurrence—but simply to let him know what I was doing. I stated on that occasion what I had stated to every person whom I had consulted, that what I was doing had no reference to any particular measure or set of measures, but that I desired to put an end to the differences that existed in the party. I made the same communication to the right hon. Baronet late at the head of the Home Department, almost in the same terms and with the same qualifications. While this was going on, and after I had seen many Friends, a gentleman with whom I had formerly been much acquainted, but with whom my intercourse had been suspended from political differences, called on me for some explanation, and asked me what my intentions were. I communicated frankly to him the course that I was pursuing, and he did not disapprove of it. But I found it perfectly impossible to communicate with individuals who entertained a hostile feeling to myself and the late Government, to any extent sufficient to accomplish the object I had in view. Lord Stanley was then absent in a distant part of the country, and therefore it occurred to me that it would be best to open a communication with the noble Lord (Lord G. Bentinck) who was at the head of the protectionist party in the House of Commons. I accordingly sent a simple message to him, requesting to know whether he would see me, for the purpose of conversing upon the matter, in order that we might see whether the differences could not be settled between the two sections of the party. I sent that message through the gentleman to whom reference has been made, who was not my personal friend. It was a mere message. No allusion was made in it to the Sugar Bill, nor did it ever enter into my contemplation. It was a mere simple message, whether he would meet me, either at my house or his own, for the purpose of talking over these matters. The answer I received was short and simple—that the noble Lord was disposed to decline the interview, because he would rather wish the proposition to be made to Lord Stanley, with whom I was acquainted, and who was a Member of this House. Nothing further passed. I had no personal communication with the gentleman who took the message. I did not know what passed at the interview; the only thing I heard, was the message I have just mentioned. It has been stated, or rather the report states, that I stated that three Cabinet Ministers were joined with on the occasion, and that the object of our union was to be an opposition to the Sugar Bill. I have only to state, that as far as I am concerned, nothing was said on that subject, nor was it in the most distant manner alluded to. I have only seen the gentleman, who is rightly described by the noble Lord as a merchant of great eminence, but once since that time. I never conversed with him on the subject. I sent a message; I received an answer, and then I dismissed the subject from my mind. I tried in two or three quarters to see if I could advance the object I had view; but I found so much bitterness of feeling and personal hostility, that I abandoned it, and took no further steps. I made no concealment whatever; the whole matter was universally known; I even stated it to some noble Lords on the opposite side of the House, and particularly to one noble Lord whom I have now in my eye. I told him of the attempt I was making, and that I found so much bitterness of feeling that it was impossible to carry it out. What is the story built on this? It is, that I wanted to raise a factious opposition to the Sugar Bill. That I utterly deny. I took no part in the discussion on that Bill, and did not even vote. But there is this insinuation—that I desired to make a prudent connexion with the noble Lord, with the view of coming into office in conjunction with him. Every one knows that I am no longer a candidate for office; that in consequence of a severe illness the holding of office during the past Session has been a painful and irksome task for me, and that I am desirous of passing the short remainder of my days among my family and my friends; and nothing even on this occasion should have drawn me forth, but the virulent personal attack made on me. My Lords, I have thought it right to communicate with the gentleman who was the bearer of the message. I communicated with him this morning, and he authorizes me to state what are the real facts of the case, and to read this statement; it was taken down from his dictation, with a view to being read to your Lordships:—

> "I stated to Lord George Bentinck that I had come with a message from Lord Lyndhurst, the object of which was to express the desire, on the part of his Lordship, that the Conservative party, which was now unfortunately split up, should be reunited as speedily as possible, and that several of his political friends joined in this feeling with him. That he would be happy to come into personal communication with Lord George Bentinck with that view, either at his own house or that of Lord George. Lord George Bentinck's answer was, that as he was acting under Lord Stanley, who with Lord Lyndhurst were Members of the House of Peers, he thought it better that all communication on the subject should pass between those noble Lords; that he was in full and cordial co-operation with Lord Stanley, or words to that effect. This is all that passed in reference to Lord Lyndhurst."

What conversation took place between the noble Lord and that gentleman, the bearer of the message, I do not know; but that is a correct representation as far as I am personally concerned of what passed. It is said that I was not justified in making the observations I made the other night, because I was desirous of holding office with Lord G. Bentinck. On a reference to the document which I have just read, your Lordships will see that there is not the slightest foundation for such an imputation. Any one who will consult the *Peerage*, will satisfy himself that there are sufficient reasons for the decision I have made, no longer to hold any office, but to retire from office, as is much more befitting the period of life to which I have now attained. I thought it due to your Lordships to make this explanation, and your Lordships will see that there is nothing inconsistent with the statement I made, or inconsistent with the course which I pursued in repelling the attack made on me by the noble Lord. I have only one word more. I received this morning a message from the Lord Chief Baron of the Exchequer, and he authorizes me to state that it was not true that the office had been pressed upon his brother, or that he had ever interfered to persuade him to accept it. On the contrary, it was not until his brother had determined to accept the office that he (the Chief Baron) told him he had done perfectly right; and that if he had been in a similar situation he would have done the same thing. Your Lordships will be satisfied that I have done right in stating the circumstances to which I have now referred, for the purpose of repelling the inferences attempted to be built by the noble Lord from the message which I so sent. The noble and learned Lord then resumed his seat; but again rose in a few moments, and said that the reason why he sent this message by a gentleman with whom he was not in personal communication was, that his secretary said, "I know a gentleman of great respectability, who is an intimate acquaintance of Lord George Bentinck." In consequence of that he sent the message in question by that gentleman, without seeing him at all on the business.

The DUKE of GRAFTON thought it was the duty of the House, after the statement they had just heard, to express either their satisfaction or dissatisfaction. For himself, he begged to express his most humble satisfaction with the statement of the noble and learned Lord.

LORD LYNDHURST: I can't be understood as referring to what really fell from the noble Lord. I see in the public papers what he is reported to have said, and I refer to that report alone.

The Marquess of LANSDOWNE begged to express his satisfaction with the perfect propriety of the course taken by the noble and learned Lord, in referring only to what was reported to have been said by a noble Lord in the other House, and not to that noble Lord's speech itself. The noble and learned Lord had expressly avoided stating what had happened in the other House. Under the specific circumstances of the case, he perfectly acquiesced in the course taken by the noble and learned Lord; but the House had paid that respectful attention to the noble and learned Lord which his great talents and high character demanded, and he thought it not expedient that the discussion upon it should proceed any further.

Lord LYNDHURST: I did not make the statement with a view to elicit any expression of opinion upon it by the House.

The subject then dropped.

House adjourned.

HOUSE OF COMMONS,

Saturday, August 22, 1846.

Minutes.] Public Bills.—*Reported.* Railway Commissioners.

3º. and passed. Consolidated Fund (Appropriation); Private Bills; Ecclesiastical Patronage; Constabulary (Ireland); Public Works (Ireland) (No. 4); Public Works (Ireland) (No. 5); Leases (Ireland); Poor Employment (Ireland).

Petitions Presented. By Mr. Thomas Wakley, from William Brinkley Jameson, of No. 9, Fellowes Street, Hackney Road, in the Parish of St. Leonard, Shoreditch, and within the Borough of the Tower Hamlets, complaining of Omissions in the Registration of Voters.—By Mr. Attorney General, from Chemists and Druggists residing in the City of Chester, praying that the Spirit Licenses and Duties Bill may not pass into a Law.—By Mr. Thomas Duncombe, from George Rogers, of High Street, in the Parish of St. Giles in the Fields, in the Borough of Finsbury, Tobacco and Snuff Manufacturer, complaining of an Illegal Seizure of Tobacco.—By Viscount Palmerston, from Robert Owen, London, August 11th, 1846, for Inquiry concerning Good and Evil.—By Mr. Wakley, from Qualified Medical Practitioners residing in Hitchin and its Vicinity, in the County of Hertford, and from Edward Rogers, of Great Witley, in the County of Worcester, Surgeon, praying that the Medical Practitioners Bill may pass into a Law.—By Mr. Thomas Duncombe, from Journeymen Pawnbrokers of the Parishes of Saint James and Saint John, Clerkenwell, and by Admiral Dundas, from Master and Journeymen Pawnbrokers of the Towns of Greenwich, Woolwich, and Deptford, in the County of Kent, in favour of the Pawnbrokers Bill.—By Mr. Wakley, from Thomas Goodlage, of Letcombe Regis, in the County of Berks, Esquire, praying that the Poor Law Commissioners may be forthwith dismissed from their Offices, and may also be Impeached for Neglect and Misconduct, of which he alleges them to have been Guilty.—By Sir George Grey, from Robert D'Oyly, of No. 3, Lyon's Inn, in the County of Middlesex, Gentleman, for Alteration of the Small Debts Bill.—By Mr. Muntz, from Inhabitant Householders, Traders, and Residents of and in the Vicinity of Bedford Square, in the County of Middlesex, praying the House to Adopt Measures for Redeeming and Extinguishing the Tolls upon Waterloo, Southwark, and Vauxhall Bridges.

CONSTABULARY (IRELAND) BILL.

On the Motion for the Third Reading of the Constabulary (Ireland) Bill,

Mr. HUME said, that he thought it was a bad thing to enact one set of laws for Ireland with respect to the police, and another for England. He did not wish to impede the progress of the Bill, but he would just point out, that if they paid the police from the Consolidated Fund, the profit would go into the pockets of the landed gentry. He would warn the Government that next Session they would have to bring in another Bill to amend it.

Mr. B. ESCOTT would also raise his voice in reprobation of the principle of this Bill, for he could not see why the landed gentry of Ireland should be relieved from the expense of the constabulary force —a force which was rendered necessary by the conduct of these gentry themselves. He had listened with approbation for five years to the cry of those who now occupied the Treasury bench for equal law between England and Ireland; but was this equal law? Certainly not; it was neither more nor less than relieving the gentry of Ireland, not the people of Ireland, at the expense of the people of this country.

Mr. SHEIL said, that when Sir Robert Peel brought in his great measure for the repeal of the Corn Laws, he had expressly stated that Ireland was entitled to some compensation.

Mr. T. DUNCOMBE had objected to this Bill in its previous steps, on account of its unconstitutional character, as giving, in fact, the command of a standing army to the Lord Lieutenant. He did hope, however, that there would be no necessity for the use of the extraordinary powers; but that Her Majesty's Ministers would now take an altogether new course. He believed that they would do so, and that the public would hear no more of Coercion Bills, and the exasperation arising from them. He saw an earnest of that new line of conduct in the restoration of those gentlemen to the commission of the peace who had been deprived of that office by the late Lord Chancellor. He trusted also that in Ireland, where this measure was duly appreciated, that the landed gentry would be induced so to act as to render those on their estates an honour and an advantage, instead of, as they too often were, a mischief and a disgrace.

Mr. LABOUCHERE said, that this Bill was brought in on what the present Government considered a pledge on the part of their predecessors; at the same time they did themselves conceive it to be a good, and wise, and necessary measure. So far from its being an unconstitutional measure, it was precisely constitutional; for it gave the Lord Lieutenant the power to protect the lives and properties of Her Majesty's subjects in Ireland, through the aid of the police force of that country, obviating the necessity of employing the military power.

Mr. WAKLEY thought that the Irish Members had behaved so generously, so justly, so fairly, and so nobly on the repeal of the Corn Laws, that Ireland was entitled to any relief that could be afforded her. It was but right that every advantage should be given that could be given to the Irish gentry; yet he must say that the people of this country would rather see money spent in Ireland for any other object, than that for which this grant was to be made.

Bill read a third time and passed.

THE POST OFFICE.

Mr. T. DUNCOMBE rose to call the attention of the House to the petition of Thomas Mitchell, late sub-sorter in the General Post Office (presented on the 6th day of August), complaining that his dismissal was occasioned by proving in evidence certain malversations and corruptions on behalf of his superior officers, and to move for inquiry therein. This was not a question merely affecting an individual, but involved the character of the establishment. It would be recollected that he (Mr. T. Duncombe) had pointed out many abuses in the Post Office, and amongst others that connected with the *Post Office Directory*. An investigation was instituted, and Mr. Mitchell, who had been in the Post Office for ten years without having a complaint preferred against him, was called before Mr. Peacock, the solicitor to the Post Office, who conducted the inquiry, to be examined. Mr. Mitchell inquired whether he should receive protection if he spoke the truth, and being assured of that, he made an unreserved statement of mal-practices on the part of Mr. Kelly. Copies of these statements were furnished to Mr. Kelly, and it was soon afterwards whispered about that Mitchell was a marked man. On a second inquiry taking place, Mitchell was again called up and again assured of protection. Afterwards, being a weak man, and feeling himself fatigued, he asked for leave of absence; but to this request his superior officer demurred. Mitchell then left the office, but on his way home he was taken ill, and requested a brother officer to inform the proper authorities at the Post Office that he was too ill to attend to his work; and in this respect he acted strictly in conformity with the regulations of the Post Office, which required notice to be given in case of absence. However, greatly to Mitchell's surprise, he received a communication to the effect that absence from duty, without permission, had led to his dismissal. Since then a new ground had been taken up, and it was alleged that he was dismissed for insolent conduct; but it was too late to come forward with such a plea, for it was posted up in the establishment that Mitchell was guilty of absenting himself without leave; and, as a proof of the weakness of the new allegation, he might mention that a letter was sent to Mitchell, offering him some mitigation of the punishment, that was to say, offering him a lower situation than he had previously held in the establishment, on the ground that he might not possibly have seen a certain order. Why, if the man was guilty, he ought to be dismissed entirely; and if not, he ought to be fully reinstated. The question was, would this man have been dismissed at all, if he had not given certain evidence? The tendency of such a proceeding was to deter other parties from giving evidence displeasing to their superiors; and it had had that effect. Five or six other sub-sorters had been called on to give evidence; but they said that in consequence of the treatment which Mitchell had received, it was quite impossible for them to open their lips. Consequently the inquiry which had been commenced was stopped by intimidation. He did not believe that there would be any peace in the Post Office as long as Colonel Maberly and Messrs. Kelly and Bokenham were connected with it. The inquiry to which he had alluded ought to be proceeded with by commission, where the evidence should be taken on oath and the men protected. He should therefore conclude by moving—

"That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to appoint a Commission, to inquire into the administration of the General Post Office, especially into the complaint of Thomas Mitchell, as well as into the causes of dissatisfaction alleged to exist among the officers of that establishment, and whether a private speculation, carried on therein by the aid of public servants, known as the *Post Office Directory*, ought to continue."

Mr. PROTHEROE seconded the Motion. He did not think the man had been properly treated. A dismissal for one day's absence, seeing that he had been ten years in the service of the Post Office, was most harsh and unjust. Whatever was the nature of the charge, whether true or false, he did not think the Post Office authorities had conducted the inquiry in a creditable manner. He would conclude by seconding the Motion.

Mr. PARKER, on behalf of the noble Lord at the head of the Post Office department, said, he had to explain and defend the act which was complained of. When the present noble Lord who presided over that establishment came into office, he found, from the discussions that had taken place in this House, that a very unsatisfactory feeling existed among those engaged there. In fact the whole establishment was in a most unsatisfactory condition. In regard to the getting up of the *Post Office Directory*, while some sorters thought they were benefited, others considered themselves aggrieved, and in consequence a most uncomfortable feeling existed. He was, however, happy to say that arrangements were in progress which would tend in a great degree to allay the spirit that existed. Several papers had been already presented on the subject, and others were yet to be presented, before they could have the whole facts of the case before them. It was said that this man was dismissed on account of his giving evidence before the Commission appointed to inquire into the Management of the Post Office; but it should be recollected that fifty other witnesses were examined, while only one was dismissed. It could not therefore be for giving the evidence in question that the party was dismissed. The whole truth of the allegation depended on the authority of two persons, whose evidence, from the circumstances under which they were placed, should be looked on with great caution. He would sugget that the Motion be withdrawn, as the Postmaster General was undertaking an investigation into all the matters relating to the management of the Post Office.

Mr. HUME thought an inquiry was necessary, as the House was bound to defend witnesses who were called on to give evidence of the abuses that existed in any department of the public service. He hoped the noble Lord (Lord J. Russell) would take the matter into his most serious consideration, and allow an inquiry to be made. If improvement was to be looked for in the Post Office, it could only be looked for by the introduction of a system best calculated to effect that object; and, being of that opinion, he would ask why was Rowland Hill not employed? Why was not a man employed who was instrumental in effecting one of the greatest social reforms that had taken place in his time? Why was not Mr. Hill employed, that he might carry all his plans into effect? He supposed the reason was, that certain parties in the Post Office were not favourable to that gentleman. Had Mr. Hill's plans been carried out, the revenue would have increased, the expenses diminished, and the public would have been better accommodated. Why not now employ Mr. Hill? Why not now avail themselves of his services? The public cried out shame on the Government who dismissed so useful a man as Mr. Hill.

Lord JOHN RUSSELL stated, that as regarded Mitchell, having the fullest confidence in the discrimination and in the impartiality of the Postmaster General, he was sure no act of injustice had been done by him. He was certain also that if the Postmaster General were of opinion that any act of injustice had been done to the petitioner, an inquiry would be instituted and redress afforded. It was very difficult for those who presided over public departments to satisfy those under them: they frequently became dissatisfied if they were not promoted according to their expectations: they often imagined that their merits were intentionally overlooked, and from that feeling they became discontented; they made complaints when they supposed anything was carried on wrong in the office where they were connected; they became impudent to their superintendents, and they often acted in such a manner that no business could satisfactorily go on. As for himself he did not wish to pronounce any opinion one way or the other on the conduct of the individual in question. With respect to the Motion for a Commission, he could not see what good it could effect even if granted. As there was one individual responsible for carrying on the whole duties of the Post Office, he was of opinion, although there had been grounds of complaint, which attracted the attention of the late Government, and respecting which a great deal of correspondence had taken place, that it would be better to leave the whole matter in the hands of the Government, whose attention was directed to the working of the Post Office, with a view to its more efficient management. And the plan now being adopted would remove, he had no doubt, those grounds of complaint to which the hon. Member referred. He hoped, therefore, that the hon. Member would leave the subject in the hands of the Government. He would however say, that he was by no means satisfied with the state of the Post Office, nor did he think the plans of reform, instituted by Mr. Hill, had been sufficiently carried out.

Mr. WARBURTON said, that the observations of his hon. Friend the Member for Montrose, and the comment made on those observations by the noble Lord (Lord J. Russell) had given to the present discussion far greater interest and importance than belonged to the original question. The hon. Member for Montrose had advised the Government, if really intent on a good administration of Post Office affairs, to do as they did before, and to appoint Mr. Rowland Hill to some office that would enable him to see his own plan properly carried out. He joined with his hon. Friend in pressing that advice upon Government. When Lord Melbourne's Cabinet had decided on giving their sanction to Mr. Hill's plan, he and several other Members who had sat on Mr. Wallace's Committee, had, in concert with Mr. Wallace, given similar advice to the then First Lord of the Treasury, and they brought the following precedent under Lord Melbourne's notice. A Committee which sat to consider Mr. Palmer's claims (the Mr. Palmer who substituted mail-coaches for horse mails) had called before them, and examined as a witness, Mr. Pitt. Mr. Pitt stated, that fearing, from the opposition given to the proposals of Mr. Palmer by the Post Office authorities, they might obstruct the plan they were directed to execute, he appointed Mr. Palmer to an office in that department, himself to direct the execution of his own scheme. Lord Melbourne adopted and acted on this precedent. Mr. Hill was appointed to an office to act under the immediate direction of the Chancellor of the Exchequer; and he was thus invested with as full authority as he could desire, under the straightforward rule of the present Member for Portsmouth. His tenure of office was not made permanent; but a long term could not at that time be secured to him, because it remained, by the working of the plan, to demonstrate its efficacy. The hon. Member for Montrose said that Mr. Hill's conduct, while in office, was never the subject of complaint. Not only was there no complaint of the kind, but Mr. Hill's conduct was exemplary. The Minister under whose direction Mr. Hill served, the right hon. Member for Portsmouth, had again and again assured him (Mr. Warburton) that Mr. Hill conducted himself admirably as a public servant, and that the right hon. Gentleman had formed a high opinion of Mr. Hill's moral worth and sterling character. In the official correspondence relating to Mr. Hill's dismissal from office by the successors of Lord Melbourne, ample testimony was borne by them to Mr. Hill's good conduct during the interval (a short interval, it was true) for which he retained his office under them; and to this it might be added, that the late First Minister of the Crown had, in his private capacity, paid a tribute of respect to Mr. Hill, by joining with the public in a subscription, intended by them as a testimonial of the sense they entertained of his great and singular merits. What was formerly matter of anticipation had now been practically demonstrated. Mr. Hill's plan had succeeded financially, and the uniform penny rate had rendered the Post Office the most thriving branch of the revenue, as they saw by the increase in that branch last year to the extent of 115,000*l.* If such had been the results with the present defective administration of Post Office affairs, what increase to that branch of revenue might not be expected, if Mr. Hill's plans for saving expense and increasing the returns were carried out, and were Mr. Hill in a position to see his plans properly executed? He had listened with great satisfaction to the declaration made by the noble Lord, that in his opinion Mr. Hill's plans had been imperfectly executed, and that the present administration of Post Office affairs was unsatisfactory. If Mr. Hill were called to perform those duties, for the discharge of which his talents appeared to have peculiarly fitted him, it would be most satisfactory to him (Mr. Warburton) and to many other Members of the House; to Mr. Wallace, the former chairman of the Committee, and to a large body of the public, composed of men of every political party, who had their eye on Mr. Hill, and, with the hon. Member for Montrose, asked the question why Mr. Hill was not employed to execute his own plans?

Mr. **WAKLEY** would ask what, after all that was said, was to be done with Mitchell? For ten years that man held a situation in the Post Office, with credit to himself and with advantage to the public; and because he gave evidence not very agreeable to certain parties, he was dismissed. If there was one thing more than another which should excite the vigilance of that House, it was in affording protection to persons who held subordinate situations, when they had the honesty and the courage to expose official malpractices. Instead of punishing them, they ought to be rewarded. He would show the heads of departments, that there was an authority to which they were accountable, and that if the persons under them were subject to their vigilance, they should remember they would be made to know there was an authority above them which could make them also vigilant. When an investigation was to be held, an individual should be appointed totally independent of the department which was the subject of inquiry—an individual who could not be damaged by the discovery of the whole truth. In the Post Office investigation, while the inferior officers were giving their testimony, the superior officers were present. Under such circumstances, the whole was a mockery. Could it be expected that those men would state all they knew, standing in the presence of those who might on the following day dismiss them? No good could come from such an investigation. But what was to be done with poor Mitchell was the question which still recurred? Here was a man dismissed from his situation, because he gave an honest testimony: was there any effort made to get him a situation elsewhere? Was it just—after ten years' faithful service—to turn him on the world—to reduce him to beggary? To permit such conduct would be unworthy of the heads of the Post Office. If before the next Session of Parliament a situation was not provided for Mitchell, his conviction was, that there was very little justice to be expected either from the Government or from the heads of the Post Office.

Mr. **T. DUNCOMBE**, considering that the subject was under the consideration of the Treasury, would withdraw his Motion.

Motion withdrawn.

THE WASTE LANDS (AUSTRALIA) BILL.

On the Motion that the House resolve itself into a Committee on this Bill,

Mr. **HUME** suggested that the leases of land should extend from fourteen to twenty-one years.

Mr. **HAWES** could not accede to his hon. Friend's views, and hoped his hon. Friend would not press his Amendment.

Mr. **SCOTT** said: I fully concur in what has fallen from the hon. Member for Montrose; and I rejoice that he has given notice of a Motion, for next Session, of inquiring into those Colonies which have not representative assemblies. I only wish that the hon. Member had carried the scope of his Motion a little further, with a view to the enlargement of the powers granted to the legislative assemblies in some Colonies which already have representative bodies. With respect to the measure before the House, I cheerfully and gratefully admit that the present Bill is far superior to any that has hitherto been proposed; and I am bound to state, that in all the intercourse which I have had with the Colonial Office during the last two years, since I have had, in some sense, entrusted to my care the interest of the Colony of New South Wales, I have at no former period experienced so much courtesy as from the present Government, or observed so great a disposition fairly and liberally to consider the interest of the Australian Colonies, with a view to their advancement and their welfare. My only regret is, that when they found the former system so faulty, they have not made a bolder and a wider stride in the road which they have taken to improve it. The system of land tenure in Australia has been bad in itself, and has had the additional fault of being in a state of constant change. We have seen free grants, sales at a fixed price, sales by auction; the minimum price once fixed at 5*s*. an acre, then raised to 12*s*., then without reason raised to the minimum price of 20*s*.; occupation of lands without the boundaries, first a mere tenancy at will, then annual licenses depending on the will of the Governor. The merits of this Bill are, that it enables the Government to grant leases of land beyond the boundaries of location of fourteen years' duration; that it concedes renewal of the lease to the same occupier while the land is unsold; that it bestows the right of preemption without competition when the land is sold. That which I regret is, that it does not extend the duration of the lease to the sufficient period of twenty-one years;

that it does not reduce the present minimum price of 1*l.* per acre; and that the vast powers which it confers upon the Crown are not conferred upon the Colonial Legislature. If you seek to attach and not to detach the Colonies from the mother country, give them as much as possible the management of their own concerns. You have given to New South Wales a representative body. Do not make a mockery of your gift—do not make it a bauble, a plaything Parliament. Nothing tends more to create discontent than to invest a body with the power to complain, but without the ability to redress—the means of making their grievances heard, but not the power to get them removed. The powers granted to the Crown are large, I might almost say arbitrary; for, though the Orders in Council are to be submitted to Parliament, yet this day of the month (the 22nd of August), on which we are discussing these matters, the period of the Session, the appearance of the House, shows that in colonial matters the Government can do just what it pleases. No individual Member ever commands any attention on colonial subjects; and even this Bill itself receives rather the sanction of the Executive than the Legislature. But this Colony is one of such magnitude and importance as to entitle it to more consideration. It has a population of 170,000. Its exports in one year amounted to 1,399,692*l.*—its imports to 3,000,000*l.* — and the quantity of wool sent to this country to nearly 14,000,000 lbs.—the tonnage of shipping inwards to 183,778 tons, outwards to 172,118 tons. The importation of wool affords employment to half the operatives engaged in the manufacture of wool imported into this country. The Colony, then, is great and valuable; but you say, it is unfit to govern itself. You go further; and practically you say that no one shall own an acre of land in the Continent of New Holland. The noble Lord the Secretary for the Colonies lately stated, and stated truly, that the proceeds of the land sold from 1832 to 1844 had amounted to 1,116,000*l.*; and he inferred from thence that the Land Sales Act was beneficial; but in order to prove that, it should be shown that the land sales had continued to increase since the Act came into operation. But how stands the fact? Why, that the land sales have uniformly diminished, till now the land fund is almost annihilated. The noble Lord referred to 1844. If 1844 had produced its proportionate amount, the proceeds of that year would have been 1-13th of the whole. It was little more than 1-130th. It should have been 85,850*l.*, it did not amount to 8,820*l.* In like manner the trade, the shipping, the exports, and the imports, have all uniformly declined since the imposition of the arbitrary minimum price of 1*l.* per acre on the lands of New South Wales. And let the House observe, that this arbitrary price was neither expected nor intended to be beneficial to that Colony. The Colony was sacrificed to a company—the old settlers to the new speculators—the Colony of New South Wales to the Colony of South Australia. The history of the affair is well known, and can be proved by documents. In 1836, Colonel Torrens and the South Australian Company complained that land could be bought cheaper in New South Wales than in South Australia, and begged that the price might be raised in the former. Sir George Grey, then at the Colonial Office, wrote that "it cannot be supposed that they who went to South Australia were unprepared," meaning for such a fact, and "that they should not complain." Colonel Torrens was shortly afterwards, however, made a member of the Colonial Land and Emigration Board, which sits in the same place as the South Australian Board in Westminster. A Committee of the House of Commons sat upon the affairs of South Australia, and the consequence of these events was the unfortunate measure of raising the price of land from 5*s.* to 20*s.* per acre, which, like too many colonial matters, passed through Parliament unobserved, and which is ruining the Australian Colonies by the entire cessation it has caused to emigration. This measure can in no sense be called a well-advised one. There is not a single Australian Governor who did not predict mischief or pronounce a verdict against the Land Sales Act, when first proposed. There are high authorities; Sir R. Bourke, Governor of New South Wales, wrote to Lord Glenelg, 6th September, 1837, "An augmentation of the minimum price would have the injurious effect of checking the immigration of persons possessed of small capital." Sir George Gipps himself, in a speech to the Legislative Council in September 1842, said—"It was well known that he had never been favourable to a high minimum price of land; what he contended for, had been a distinction between the upset and the selling price." Sir John Franklin, the Governor of Van Diemen's Land, to Lord

Glenelg, said—"This instruction (the instruction to raise the price) is in effect an instruction virtually abolishing sales of land in Van Diemen's Land, and must accordingly put an end to the already delining land revenue." Mr. Latrobe, Lieutenant Governor of Port Philip, wrote to the same effect. Captain M'Arthur, commandant at Port Essington, said, "The present object of Government, to realize a certain value for land, is on such a scale as will surely prove fatal to the hopes of an introduction of labour." All other colonial authorities were equally opposed to raising the minimum price of land. I am therefore fully justified in saying that this was an ill-advised measure, and ever since it has passed there has been report upon report, year after year, from various committees of legislative council of New South Wales, all uniformly complaining, and convincingly exhibiting the evil effects of the high price. The best and briefest mode of showing its results will be, to take two periods free from undue speculation, one during the existence of the 5*s.* minimum, the other under the operation of the 1*l.* minimum. I have therefore omitted the years of 1840 and 1841, and taken one period of four years ending with 1839, and another like period ending with 1845, and I find as follows:—

Years.	Minim. Price.	Amount Sold.	Price Obtained.	Emigrants.
Four years ending 1839	5*s.*	1,303,902	500,000*l.*	40,000
Omit 1840 & 1841.				
Four years ending 1845	20*s.*	24,000	45,600*l.*	6,500

Trade and shipping exhibit an absolute, wool shows a comparative, decrease; for whereas the latter used in former periods to double its amount once in four years, in later periods its rate of increase is to double once in about six years. Of what immense importance is this! New South Wales asks to be allowed to supply your manufacturers yet more abundantly and more cheaply. In our race of competition with the world, we cannot spare one half hour to the weary limbs of our operatives, lest foreigners should undersell us. Of what vast consequence, then, is a cheap supply of raw produce to our manufacturers? Here we have abundant capital and plentiful labour, but are limited in space. There the space is boundless, but capital and labour are wanting. Supply the deficiency of the one from the superfluity of the other. Take the workman to his work, and, as has been truly said, your loss will be a gain, and every shepherd there will move a loom here. Unhappily, a favourite theory possessed statesmen that the road of colonial prosperity in the Antipodes was the reverse of what it is here, viz., to raise the price of a commodity in proportion to its abundance, not in proportion to its scarcity; to make money cheap where money was scarce, and land dear where land was plentiful. But you have carried the paradox still further: you gave away the best land for nearly nothing—you place a high price upon the worst; you sold wheat at 1*s.* a bushel—you put 20*s.* on the chaff. The Government of New South Wales declares that the Government was never guilty of the absurdity of estimating the land as worth 20*s.* an acre, but merely that it will sell no land that is under that value. What is that, but virtually shutting up the country? There is, however, certain proof that the Government did expect that the sale of land would continue with a minimum price of 20*s.* an acre, as it had done before. In a despatch from Lord Stanley to Sir George Gipps, 18th October, 1841, an assurance is expressed that the imposition of—

> "A price at least up to 20*s.* an acre, would not check the purchase of land; and if not, would tend, of course, materially to increase the amount realized for the land fund, on the extension and application of which, at this juncture, so much of the prosperity of New South Wales may probably depend."

What miserable patchwork is this method of legislation! You should advance with new vigour in the new and liberal career you have now begun, and proceed on a principle where justice and reason go hand in hand. There is no instinct more strongly implanted in the human breast than the desire to possess something which a man can call his own. There is no ruling passion more powerful or more prevalent; it is a fact which all writers have remarked, which no observing man can overlook, that there is no feeling more strong than to possess a portion of the solid globe. In this country it is universal. Every man who makes a fortune in trade straightway seeks to invest it in land; if you encourage that feeling in an old settled country, how much more desirable is it in one that requires advancement, cultivation, and civilization. Arthur Young, in his *Tour in France*, observes—

> "Give a man the secure possession of a bleak rock, and he will turn it into a garden; give him a nine years' lease of a garden, and he will convert it into a desert."

It is admitted, that where the landlord is resident and the estate not over large, that there the land is best managed. Now, here, at a distance of 16,000 miles from hence, the Colonial Office farms out an estate of 1,600 miles in length, by 300 in breadth, and refuses to part with one single acre of it. I would ask any man of plain common sense whether this retention of such an immense tract is more calculated to advance or retard the development of the resources of the country? Such a system may be adapted to the climate of Egypt, or the latitude of Turkey, but it is far too repugnant to British feelings to be tolerated in a free Colony of Great Britain. Downing Street retains in its hands an estate twice as large as Great Britain, 16,000 miles from its own door; and though the estate is double the size of the kingdom, they will only award to the tenants half the duration of lease granted in the best farming districts at home; it refuses to grant ownership, and at the same time stints the occupancy. You say you will sell it at a sufficient price. So would I. An excessive price is not a sufficient price; and whether it be excessively high or excessively low, the term is equally misapplied. Your "sufficient price" is absolute prohibition. Is it not monstrous to say, that we will keep the land till you have improved it, and then make you pay not only for the land, but for your improvements too? The land may become worth 1*l.* per acre by the application of labour, but that labour must be paid for; and is the purchaser to pay a second time for the labour he has applied, as well as the land on which he applied it? You allow me to expend my money and my labour on your land, and when I have expended enough to make it worth your figure, you then charge me with my own outlay on your land, and make me pay a second time the price I have paid before. Where is the justice, the morality, or the sound policy of such a proceeding? It would be making the Government of each Colony the steward of the Crown estate, and farming British subjects as farmers do their stock—keeping them to fertilise the ground, and then disposing of them at the best bargain. By such a course England would treat her own subjects in a way adopted by no other country. The consequence of all this is, that the tide of emigration from this country has been completely changed, and now flows into the United States. Thus by far the greater proportion of those who quit these shores go to enrich the lands of foreigners, and instead of adding to our strength, in many instances, I fear, tend to embitter the feeling which may exist towards this country. In twenty years 628,171 out of the 1,349,000 persons who emigrated from Great Britain have gone to the United States. That is, on an average, 46 per cent of the whole emigration has gone thither. Now how has that proportion been affected by the Australian Land Sales Act? Why, since 1842, when the Act passed, the proportion has not only been 46 per cent, but 60 per cent of the whole number; and during the last year, 1845, out of 93,500 emigrants, 58,538, or 62 per cent have gone to the United States; while, owing to our mismanagement, only 830, or not 1 per cent, have gone to the whole Australian Colonies altogether. If we include Canada, &c., with the United States, it appears that 89,000 out of 93,000 went where land could be bought for 4*s.*, 5*s.* or 6*s.* an acre, and only 830 went where no land could be purchased under 20*s.* per acre. I have thus viewed the question as one affording a vent for an annually increasing population; but if we look at it in another point of view, as extending the market for British manufactures, we shall find that the policy is equally ruinous. The 58,000 who last year emigrated to New York, consume at the rate of 5*s.* per head of British manufactures—that is, they take 14,600*l.* of British goods—if the same persons had gone to New South Wales, at the low average consumption of 7*l.* per head in that Colony, they would have taken 409,500*l.* worth of manufactures. The 628,000, who in twenty-one years have gone to foreign North America, consume 157,000*l.* of British goods; if, by our policy, they had been induced to emigrate to New South Wales, they would, on the same calculation, have taken annually 4,396,000*l.* worth. Is it not then both madness and injustice to divert our own subjects from our own territory?—madness as regards those who stay at home, injustice as regards those who seek their fortunes abroad. It is to the energy, enterprise, and perseverance of the stockholders of New South

Wales that we owe a considerable increase to our national wealth. The employment afforded to our factories by the large supplies of wool, the influence their exports exercise upon our native industry, the numbers engaged in the woollen trade, the increasing difficulties that beset our operatives in consequence of Continental rivalry, the decreasing supplies from European countries, the altered state of foreign markets, the benefits which British woolgrowers derive from encouragement being given to the colonial prices rising and falling simultaneously, appear many and strong reasons for favouring our colonists. They have extended onr limits, developed our resources, and increased our wealth. They are the forerunners of civilization; for to them, as possessed of education, intellect, and cultivated feeling, you naturally look for the civilization of the natives and the morality of the settlers. These appear so many and sufficient reasons for advancing to the uttermost the welfare of the Australian Colonies; but if you are still unsatisfied, and seek for additional reasons, turn to the state of commerce with foreign Powers; remember the 3*d.* per head of British manufactures consumed in the northern States of Europe, and the 7*l.* to 10*l.* sterling per head in New South Wales. See foreign Powers closing their ports as we open ours, raising duties as we lower them. Then consider our opening commerce in the East. If Indian cotton traverses 15,000 miles of ocean to return with profit when manufactured here, why should not the produce of Australian wool return to China with similar advantages to that Colony, to British woolgrowers, mariners, and manufactures? In our Colonies are to be found the real sources of our strength; our true policy is to give them encouragement, to afford a vent to the increasing numbers of the people, to extend a market for our manufacturing industry in quarters where we need dread no rivalry to the Empire. Their success is the surest test of our prosperity, their strength the best proof of our power, their wealth the certain evidence of our riches. But it will not do to pretend to fix a settlement where you allow none to settle—to establish a plantation where you suffer nothing to take root—to place a Colony where you permit none to cultivate. To act thus is to make a practical contradiction. Treat your Colonies in practice, as you admit them to be in theory, as integral and important portions of the Empire, and you will cement your strength and enlarge your limits. Favour them, and you will really and essentially favour yourselves; retard their prosperity, and you will retard your own; by neglecting or injuring your colonial possessions, we will show that we have too large an Empire, and they who ought to be our firmest support will be our greatest source of weakness. Upon these grounds I conjure my hon. Friend not to halt on the good course which he has commenced to tread; and as after so short a tenure of office he has reason to extend the limits of a lease to a longer period than any hitherto assigned, so will I engage to say, that his good sense and liberal spirit will, during the recess, induce him to come forward next Session with a Bill to repeal the Land Sales Act—an Act repugnant to reason and common sense, and which imposes harder terms upon our own subjects in our own Colonies than they meet with when they emigrate to foreign States. I trust he will then include New South Wales in the same category with New Zealand and Van Diemen's Land; and as they have already been exempted from the hardships of the Act, so New South Wales, which has the poorer soil, and therefore the more requires reduction, will ere long meet with the same measure of consideration and of justice.

Mr. HAWES said, that he should make a few observations upon what had fallen from the hon. Member for Roxburghshire, whose position with regard to the Colony of New South Wales entitled his remarks to some consideration. He would only state, that the Bill was very similar in its provisions to that which had been introduced at the close of last Session, and which was then postponed in order that it might be sent out to the Colony for consideration—that it had been sent out, and had come home so much approved of there that very few alterations had been suggested. In what the hon. Member said with regard to the decline of the land sales, the trade, commerce, and shipping, in New South Wales of late years, he was wrong in attributing these effects to the Land Sales Act, and seemed to have forgotten the extravagant spirit of speculation which prevailed five or six years ago. With regard to the minimum price of 1*l.* per acre, he should not have referred to the authority of Sir George Gipps, unless it had been expressly alluded to by the hon. Member; but, since his opinion had been quoted by the hon. Member, from a speech to the Legislative Council, he must be allowed to quote from a despatch from Sir George Gipps to Lord Stanley, dated 17th January, 1844, where he said—

> "The high price of land and the squatting system seem to me naturally to go together—the one supports the other; and either would be indefensible without the other. Together they form, as far as I can judge, the best system in which the domain of the Crown can, under existing circumstances, be administered. Sheep increase with great rapidity; and consequently new lands are occupied to a vast extent every year. If it be once admitted that the price of the fee-simple of these lands is to be fixed with reference only to the profit they yield to the owners of the sheep, the price must, and especially as we recede from the sea coast, rapidly decline, until it becomes less per acre than the smallest coin in use in the country."

Mr. SCOTT: And therefore you impose the largest coin in the realm.

Mr. HAWES concluded by saying, that he hoped the hon. Member would not cause any delay at this stage of public business, but would allow the Bill to proceed through the Committee.

Mr. SCOTT rejoined, that it was not his intention to interpose any impediment to a Bill of itself beneficial, nor any delay on this the last Saturday of the Session; but he must be permitted briefly to make one or two observations in reply. It was said, this Bill had gone out and been approved of in the Colony. Now, first, he was happy to say, that he did not think this Bill the same as that of last year. It was a much better Bill. Next, so far from the Bill having been approved, it had not received the approbation of the Legislative Council, to whom in courtesy and justice it ought to have been referred, for that was not sitting. It had not received the approval of the Executive Council; for the paper entitled the *Opinion of the Executive Council,* contained only the opinion of the Governor and the Bishop, whose opinions were always unanimous. In fact, it was not approved by any body or bodies of men in the Colony, but quite the reverse; for so far as any expression of opinion had been collected on the subject, it was entirely adverse to the measure of last year. With regard to the decline in the land sales, he had by no means forgotten the extravagant spirit of speculation during the years 1840 and 1841, for he had purposely omitted those years from his calculations; and, moreover, he was justified in saying, that the Governor had stimulated the speculation which he ought to have checked. It was said he had carried the Colony through a difficult crisis. He thought he had encountered a difficulty which was greatly of his own creation. At the dangerous time, he had encouraged the appetite for purchase, and rejoiced at having drained the treasury, which he found full. He felt he was quite right in stating, that it was the Land Sales Act that continued to depress the Colony. Had it been otherwise, the sales and emigration would have recovered themselves; but he had shown, that so far from this being the case, the year 1845, the last year, had been the worst year of all. The fact was, that there was no reason why the plain simple rule of selling land by so many years' purchase of its present worth, which prevailed over the whole civilized world, should not hold good in Australia. He should offer no opposition to the Bill; but he felt himself bound to make these few observations.

Bill went through Committee. To be reported.

House adjourned at Five o'clock.

HOUSE OF LORDS,

Monday, August 24, 1846.

Minutes.] *Took the Oaths.* Lord Holland.

Public Bills.—1ª. Railway Commissioners.

2ª. Constabulary (Ireland); Poor Employment (Ireland); Public Works (Ireland) (No. 4); Public Works (Ireland) (No. 5); Leases (Ireland); Consolidated Fund (Appropriation); Court of Exchequer (Ireland); New Zealand Government; Private Bills.

Reported. Rateable Property (Ireland); Ejectments, etc. (Ireland); Customs Duties (No. 2).

3ª. and passed. Lunatic Asylums (Ireland); County Works Presentments (Ireland); New Zealand Loan Act Amendment; Contagious Diseases; British Possessions; Income Tax Deduction; Naval and Military Departments; Wreck and Salvage.

Petitions Presented. From William Brown, of Auckland, late a Member of the Legislative Council of New Zealand, for Amendment of the New Zealand Government Bill.—From several Steam Packet Companies, for Insertion in the Steam Navigation Bill of the Amendments relating to the Paddle Box Boats, and the carrying of Light, agreed to by the late Board of Trade.

LORD LYNDHURST—EXPLANATION.

Lord LYNDHURST: My Lords, in consequence of a letter I have received this morning from my right hon. Friend who was lately at the head of the Government (Sir R. Peel), I beg leave to recall your attention for a very few moments to the statement I had the honour to make to your Lordships on Saturday last. It appears that an imperfect report of that statement—no doubt arising from the short interval between the time at which the statement was made, and the publication of the paper—appeared in a newspaper called the *Standard.* That report met the notice of the right hon. Baronet; and he was apprehensive, from that account, that the purport and nature of the communication between us might be misconstrued, and he has consequently written a letter to me to which I shall presently advert. Before I do so, however, I must take the liberty of recalling your Lordships' recollection to what my statement on Saturday really was. I mentioned to your Lordships that, in order to guard against misconstruction and misrepresentation, I thought it my duty to call upon the right hon. Baronet (Sir R. Peel) to communicate to him what I was doing. I had an interview with him; but the object of my communication was not at all to obtain the concurrence of the right hon. Baronet in what I was doing, or even to obtain his opinion or advice with respect to the prudence and propriety of the course I was pursuing. I made that communication merely and simply because I thought it better that the right hon. Gentleman should know from me, rather than from any other source, the object I was desirous to accomplish. I think I may appeal to your Lordships' recollection whether this was not, in substance, the statement I made on Saturday; and if your Lordships require any confirmation you will find abundant confirmation in the reports of the different papers that have appeared this morning. In the statement I made on Saturday, I confined myself simply to what I said and did myself. I had no opportunity of communicating with the right hon. Baronet (Sir R. Peel); and I did not consider, without such a communication, that I had any authority to state how he received me, or what answer he made to my statement. I confined myself, therefore, simply to the statement I myself made, and to the part I myself acted in the transaction. Having said this, I will now advert to the letter of the right hon. Baronet. He thinks it right to state what actually took place between us; and I am quite satisfied and pleased that he has been disposed to do so, because your Lordships will find that, as far as I am concerned, the right hon. Baronet's statement confirms distinctly and clearly everything that fell from me. The right hon. Gentleman says—

> "You are reported to have said 'that after the dissolution of the late Government he (Lord Lyndhurst) communicated with several friends in the other House, in order that former differences might be forgotten, and that the Conservative party might be re-formed; in order not to be subject to any misrepresentation, he communicated his intentions to the right hon. Baronet (Sir R. Peel), and stated on that occasion that what he was doing had no reference to any particular measure.'"

Your Lordships will see, from what I have stated, that that was only a part of the communication I made; I also said that my object was not to obtain the right hon. Gentleman's concurrence, or even his opinion or advice, as to the course I was pursuing, but that I thought it advisable to communicate to him myself, rather than through any other means, what I was endeavouring to effect. The right hon. Baronet further says—

> "My recollection of what passed between us is this:—You wrote to me a note, expressing a wish for an interview, which took place on the same day. At that interview you informed me of a fact, of which I was not previously aware—that you had been in communication with some members of the late Government, and of the party which supported it, with a view to the healing of animosities, and the reconstruction of the Conservative party; that before you went further you had resolved to speak to me; that the part you were taking was a disinterested one, for that your own return to office was out of the question. My answer was, that I must decline being any party to the proceeding to which you referred. I said said that the return to office was as little in my contemplation as it was in yours, and that as I was not prepared to enter into any party combination with that view, I felt it incumbent upon me, under such circumstances, to leave to those with whom I had been previously connected in political life, the entire liberty to judge for themselves with regard to the formation of any new party connexion. I do not recollect, and have not here the means of ascertaining, the day on which our conversation took place, but I believe the above to be a perfectly correct account of the purport of it."

I fully concur in this statement. I consider that I should not have been justified, without communicating with the right hon. Baronet, in stating what fell from him; but having his authority in the communication I have just read to your Lordships, I think it my duty to make this statement. My object was what I before represented it to be, and the right hon. Baronet seems so to have understood me; but he stated that, as far as he was concerned, he did not wish to interfere in the proceeding. I cannot avoid expressing my regret that I am entangled in any of these statements. I would much rather bear a great load of imputation than engage in personal controversies of this kind.

The Earl of ELLENBOROUGH said, it had been represented that Lord Brougham had recommended the appointment of Mr. David Pollock to the Chief Justiceship of Bombay, in order to make room for his friend Mr. Charles Phillips. That noble and learned Lord had requested him (Lord Ellenborough) to state that this could not by possibility be true, inasmuch as he (Lord Brougham) suggested the appointment, not of Mr. Pollock, but of another gentleman, whose appointment would not have occasioned a vacancy in the office to which Mr. Phillips had been appointed. The gentleman to whom he referred was one who had practised in Indian cases with great ability, and who had attracted the attention of the noble and learned Lord, who considered that he would be a valuable acquisition to the judicial bench in India.

CONSTABULARY (IRELAND) BILL.

The Marquess of LANSDOWNE then moved the Order of the Day for the Second Reading of the Constabulary (Ireland) Bill.

The Earl of WICKLOW expressed his approbation of the principle of the Bill.

Lord MONTEAGLE said, that if they sanctioned the principle of this Bill, it would carry them much further than they intended. Already the Imperial Treasury defrayed nearly two-thirds of the whole expense of that admirable force which was established locally in Ireland for the defence of life and property. He thought it was a wise policy, at the outset of that force, so to recommend it by motives of economy to those who were called upon to adopt it, as to secure its being carried out. But it was now proposed to throw the whole of that expense on the public purse. He objected to that, because he thought it only fair that those who were locally interested in the matter should themselves contribute to the expense of this force. So long as they made that contribution, they would have control over the constabulary; but if they were allowed no longer to do so, the force would be deprived of half its efficiency. And whom would they relieve by giving up this sum of 160,000*l.* a year? At present it was one of the fixed burdens upon land; and the consequence would be, that if it were omitted, it would only lead to a proportionate increase in the rent of future lettings. It was a scandalous waste, for which no one asked them, and for which no one would thank them. And even as to the benefit of it to the landlord, it would amount to but 1*l.* per 100 acres on the whole surface of Ireland. But the public treasury would suffer; and better would it be that they should lay out the same sum, under the direction of their own Board of Works in Ireland, in the employment of the people in works of useful industry. It was, in fact, remitting a capital sum of 5,000,000*l.*, and that too in a time of greater calamity than he believed all the measures on their Lordships' Table relating to Ireland would be able to meet. But, moreover, it proceeded on the principle of a relief they were called upon to give to land, in consequence of the repeal of the Corn Laws. If they affirmed that principle, how could they resist its application in England? If they relieved the land of Ireland by throwing the expense of the constabulary force wholly upon the public purse, how could they refuse to give the same relief to the landed interest in England? It was a relief to the landed proprietors alone in Ireland, and, if so, the landed proprietors of England were entitled to the same relief. He knew that the exigency of the case would require all the benevolence of this great Empire; he wished them to reserve for that duty every fraction the country was disposed to give for the benefit of Ireland; and he warned their Lordships against the precedent which this Bill would establish.

The Earl of ELLENBOROUGH said, that he was a consenting party to the preparation of the measure, which he thought would give relief in a very proper manner; but their Lordships had a right to consider that the state of things was materially changed since this measure had been laid before Parliament, for then they had reason to expect distress in the months of May and June, but not at the present time. They were now called upon to devote large sums of money for that object, and they had to consider whether this was now the best mode of applying the 160,000*l.* during the present year; and he thought it was highly expedient to defer the measure to another year.

The Duke of GRAFTON said, it appeared to be the object of the Government to relieve the proprietors from this present burden, to enable them to bear others which the Government might think absolutely necessary; at the same time he did feel jealous of a power being given to any Lord Lieutenant of increasing, at his own option, the constabulary force.

The Marquess of LANSDOWNE said, the measure was the result of the recommendations of Lord Devon's Commission, and of the pledge given by the late Government, and it was almost imperative on Parliament, and especially on the Government, to carry into effect all the accompanying measures connected with the one vast measure which they had concurred in and adopted, with all its consequences. When the noble Earl, therefore, reverted to the altered circumstances which had changed his view of the question, he did not think it was for one who had been a Member of the late Government, which had contracted the pledge and proposed this relief, in consequence of altered circumstances, of which he made himself the judge, to refuse this relief.

Bill read 2^{a}.

House adjourned.

HOUSE OF COMMONS,

Monday, August 24, 1846.

Minutes.] Public Bills.—*Reported.* Small Debts; District Lunatic Asylums (Ireland); Pawnbrokers; Waste Lands (Australia).

3^{a}· and passed. Railway Commissioners.

Petitions Presented. By Sir William Clay, from Vestrymen of the Parish of Saint Anne, Limehouse, Middlesex, in Vestry assembled, praying the House to take the Subject of Church Rates into consideration, and that some Just and Satisfactory Measure may be adopted under which the National Church may be maintained without Disturbance of the Harmony which it is so desirable to preserve in every Community.—By Mr. Hindley, from Retail Beersellers of Ashton under Lyne and its Vicinities, in the County of Lancaster, praying that the same Rights and Privileges may be granted to them as are enjoyed at the Present Time by the Licensed Victuallers.—By Mr. William Williams, from Natives of the Principality of Wales resident in London, praying for a well-considered System of National Education for Wales.—By Mr. Thomas Wakley, from William Whybrew, of the Borough of Ipswich, in the County of Suffolk. Cooper, stating that owing to his Inability to comply with an Order issued by the Court for the Recovery of Small Debts, he was committed to the Borough Gaol of the Town of Ipswich, and treated with undue Harshness and Severity, but in accordance with the Rules of the Prison, and praying the House to take into consideration the Stringent Regulations of that Prison towards Persons in similar Circumstances.—By Dr. Bowring, from Inhabitants of Chumleigh and its Vicinity, in the County of Devon, and from Minister, Churchwardens, and Inhabitants of the Parish of Kilmore, in the Diocese and County of Meath, and by Mr. Wakley, from Inhabitants of Bury St. Edmunds and its Vicinity, in Public Meeting assembled, for the Total Abolition of the Punishment of Flogging in the Army and Navy.—By Mr. Hawes, from Electors and others, being Members of the Borough of Lambeth Association for the Abolition of Ecclesiastical Courts, praying that all Peculiars may be Abolished, and that all Compulsory Powers of any Ecclesiastical Officer, in any Matter of Religion affecting the Laity, may also be for ever Abolished.—By Sir William Clay, from Members of the Committee of the Tower Hamlets Medical Association, and by Mr. Wakley, from Edward Parker, Surgeon, of Kirkdale, in the Parish of Walton, in the County of Lancaster, and from Medical Practitioners resident in the Ossett Union, County of Essex, praying that the Medical Practitioners Bill may pass into a Law.—By Mr. Disraeli, from Journeymen Pawnbrokers of the Parish of Saint George, Southwark, in the County of Surrey, in favour of the Pawnbrokers Bill.—By Mr. Hindley, from Members and Friends of the Society for the Promotion of Permanent and Universal Peace, and by Mr. Plumptre, from Inhabitants of Margate and others, praying the House to insure the Insertion of a Clause in all International Treaties, binding the Parties to refer all Disputes that may arise to Arbitration, and to abide by the Decision of the Arbitrators, without having any resort to Arms.—By Sir Frederick Trench, from Wholesale and Retail Traders, Householders, and other Inhabitants of and in the Vicinity of the British Museum, Bloomsbury, and by Dr. Bowring, from Traders, and Inhabitants of and in the Vicinity of Bunhill Fields, in the Borough of Finsbury, for the Adoption of Measures for Redeeming and Extinguishing the Tolls upon Waterloo, Southwark, and Vauxhall Bridges.

MEXICO.

On the Motion of the CHANCELLOR of the EXCHEQUER, that the other Orders of the Day be now proceeded with,

Lord G. BENTINCK said: Sir, I take this opportunity, on the Orders of the Day being read, to call the attention of Her Majesty's Government and of this House to the present state of affairs as they exist between the United States of America and Mexico. It is within the knowledge of this House, that this country must have very considerable interest in the state of Mexican affairs; its annual exports to Mexico amount to something like half a million a year. In Mexico there are different establishments connected with British interests; there is the Mining Company as well as other companies. In Mexico, therefore, British capital is invested, and on private accounts, in establishments of various descriptions, to the amount of from seven to ten millions; while the debt of Mexico to this country—I mean the public debt of Mexico due to England—amounts to no less a sum than 10,200,000*l*. It is clear, therefore, under these circumstances, that war between the United States of America and Mexico must be extremely injurious to British relations with Mexico—it must be injurious to our commercial interests; and should that war end in conquest, as I fear is too probable—should it terminate in the subjugation of Mexico to the United States, the consequence most likely may be, that the debt due to Britain by Mexico will share the same fate as those debts which are owing by the United States itself to this country. But there is another consideration of still greater importance, and that is the position of Mexico as regards our West Indian Empire. The United States of America already stand upon the banks of our West Indian possessions; and should the Americans make themselves masters of Mexico, which is the object of their ambition, they will be at once within the range of our West India

Colonies. But, connected with this subject, and inseparable from it, is the annexation of Texas to the United States. It will be in the recollection of the House, that it is now between ten and fifteen years since a body of land speculators in the United States called the attention of the President of the United States to the desirableness of forming settlements in Texas; and the consequence was, that a fictitious transfer of land took place as regarded the whole of the country between the River Nueces and the Red River, and which became covered with emigrants from the United States; and the desire of speculation in land became so enormous, that, at last, the Legislature of Texas, for the sum of 20,000 dollars, transferred to the United States of America, or at least to private speculators in those States, a considerable tract of country, equal to 400 square leagues. In this we discover the real cause of those disturbances which originated in the Texas. Mexico, the sovereign country—Mexico refused to sanction this transfer of land. Mexico was so opposed to the transfer, that it seized and imprisoned many of the parties to the transfer. From this period it became the interest of those American speculators to foment rebellion in the Texas; and we find that the first declaration of revolt, or what is called the first declaration of independence, was signed by ninety individuals; and we have the authority of Dr. Channing, an American historian, for asserting, that of those ninety persons who signed that declaration of independence, no less than eighty-eight were citizens of the United States of America. The next step that was then taken was to form an army of 800 men, and who proved successful against the forces of the Mexican Government. But how was that army constituted? Of the 800 men, 750 belonged to the United States of America, leaving of the whole number only 50 who were natives of Texas. And this was the assembly—and this was the party in which originated what has been called the efforts of the people of Texas for freedom. But it now appears that the great object of the inhabitants of the United States of America, who established themselves in the occupation of Texas, was to remit slaves from South Carolina, Virginia, and Georgia, to render those lands of which they possessed themselves as profitable as possible. In fact, the extension of slavery was at the bottom of their proceedings. The profits to be derived from slavery were the motives of this pretended love of freedom—this pretended sympathy in behalf of the people of Texas. It will also be in the recollection of the House that when Mexico threw off her dependence on the mother country, she made the declaration that no new slaves should be imported into the dominions of Mexico, and that slavery should cease at a certain prospective period. This contemplated abolition of slavery in Texas was at the bottom of that discontent which prevailed in Texas, but which had its origin with those in Texas who had combined with the disturbers of the public peace—the slaveowners of the United States of America. Matters went on in this course until the year 1845, when a further declaration of independence was made, and which was called the "Convention of Austen." I have by me the names, the signatures, and the addresses of every person who signed that manifesto of independence. There were sixty-one individuals who signed that document; and of those sixty-one, forty-nine are Americans, of whom twenty-three are lawyers, nineteen farmers and planters, the owners of slaves; of the remaining ten, I regret to say, that it appears they are our own countrymen—they are Englishmen—they are also rich men; but they are, I am sorry to find, Englishmen, although they bear names by which they might be mistaken to be natives of Texas. This was the convention which was the excuse of the United States for encouraging revolution, and for adopting annexation. And for what purpose? Self-agrandizement. This convention was followed up by a commission, which closed in the establishment of the independence of Texas. England and France were induced in a great measure to consent to the recognition of that independence, on the understanding that Texas would bind herself to abolish the African Slave Trade, as well as to diminish the number of slaves from Africa. But in this the Ministers of France and of England were overreached; for observe, it was not the object of those who were adventurers—it was not the object of the usurpers to cultivate their lands by the assistance of African slaves; they entertained views of a different character; their object was to make these new posssesions valuable by the importation of slaves from the United States; so that while Great Britain and France were carefully looking after the interests of the African race, the Ministers of England and France were altogether overreached in their diplomacy as regarded the interests of the American slaves, and who were to be brought from America in consequence of this occupation of Texas by the Americans. Thus was a new field for slavery created; the supply to be from those slaves who are reared in the United States. But, Sir, the appetite for aggrandizement did not stop with the annexation of the Texas; it extends also to Mexico and to California. We are told, that in the year 1845, while the eyes of all Europe were upon this country and America, taken up with the disputes of the Oregon territory—we are told by the press of the United States of America that America had turned its attention from the waste and barren wilds of the Oregon to the paradise of California; and that California, like Texas, would become constituent parts of the United States; and which will be the case, unless by the mediation of this country—a mediation which must be firm and earnest—it be prevented, and a stop put to the present existing war between Mexico and the United States. That war cannot too speedily be put an end to. If ever there was a case which so little justified a war of aggression, it is this, for all the aggression has been on the part of the United States towards Mexico. Mexico, after the declaration of independence by the Texans, and after the recognition of that independence by Great Britain and France—Mexico, I say, was content to look on with silence so long as America refrained from any aggression on its territories; but there is a territory between the river Nueces and Rio del Norte, which was in dispute between the Texas and Mexico; this portion of the territory of Mexico was never acknowledged as having at all belonged to Texas at any period of history. It was never so asserted, it never appeared to be any portion of the separate province of Texas, it always belonged to Mexico; and I understand it is so described in all the ancient maps; yet what have the United States done? They have taken possession of, and now occupy, this very portion between those two rivers; but yet such was the patience exercised by Mexico, that it made no attempt to repulse the settlers. But about the first week in May last, not being content with the possession of this territory, the United States, general threw his troops across from the left to the right bank of those rivers which had always been in the undisputed possession of the Mexicans; and when the Americans failed in this attempt, and because the Mexicans endeavoured to repulse the aggressors by force of arms, war ensued between Mexico and the United States. There never was a case of more unjustifiable, more wanton aggression. But seeing, as we have seen, the easy success of the arms of the United States against Mexico, it is impossible to doubt what must be the ultimate results, unless some interference take place—otherwise the arms of Mexico must succumb, and Mexico become a part of the United States. The rage for aggression, the impetuosity which marks the conduct of the United States for aggrandizement, are such, that volunteers without number are issuing forth from the Southern States of America. The State of Louisiana sent 5,000 men for the invasion of Mexico, and another 2,000 soon followed. Such was the spirit manifested, that there were more volunteers forthcoming than wanting, even for the purpose of the war. It would appear that the whole of the rage, that all the desire of America, is directed towards the possession, perhaps the usurpation of Mexico. As the annexation of Texas, two years ago, was then one great object of the policy of the United States of America, as it was the electioneering test for the Presidency of the United States; so no doubt the annexation of California will be the best test, not only of a similar proceeding, but of another electioneering contest in 1848. Already have the Americans obtained the possession of Matamoras. That gives them the key to Central Mexico. Already they are enabled, through the instrumentality of this possession, to introduce their manufactures into the whole of Central Mexico without payment of duty, and therefore, they have practically the monopoly of the supply of Mexico with the produce of their manufactures. This is a matter of serious concern to the commerce and to the manufactures of this country. But it is not only that the Americans are furnished with troops and volunteers without number, who are bent on the occupation of these lands, it has also become a sort of rage, a desire—an insatiable desire on the part of the United States, always to get additional possessions in the same direction. The great object of America is to stretch its power to the utmost possible extent. The United States look with longing eyes also on San Francisco, which is said to include the finest harbour in the world—a harbour of great extent; possessing every requisite for security, having great depth of water, and capable of affording shelter to the united navies of the world. We are told by the press of America—and that is the best test as to the state of public feeling—that the great sentiment, the great feeling which pervades that country, is—"May the stars which bespangle the flag of America be so increased that no room be left for the stripes" that even adorn that flag. If this be the sentiment which prevails throughout America, I want to know how long it will be before Her Majesty's Government take an active, an energetic part, to prevent its further aggrandizement? I want to know, will it be before Mexico and California be annexed as new stars to the already "bespangled" flag of the United States? My object, then, in calling the attention of Her Majesty's Government and of this House to the subject, is not only to ask of the noble Lord the Secretary of State for Foreign Affairs, information as to what were the results of the mediation which have taken place between this country and America, but also to press upon the Government the great importance of affording full security to our own foreign possessions, so as to prevent the overpowering usurpation and dominion of the United States—that Her Majesty's Government may insist upon an immediate end to all hostilities between Mexico and the United States. We were told, in a memorable speech of the 29th of June last, that it was to the credit of a noble Lord then Secretary for Foreign Affairs, that by the first packet which left this country, and after the arrival of the news of hostilities between Mexico and the United States, that an offer of mediation was sent out to America. The news arrived on the 29th of May. The first packet sailed on the 3rd of June, and on the 2nd of June the Mexican Association addressed a letter, by its chairman, to Lord Aberdeen, calling on him, for the sake of British interests to interfere so as to prevent any interruption to our commercial relations with Mexico. The noble Lord was called on to interpose his mediation between Mexico and the United States to effect that object. On the 6th of June, Lord Aberdeen, through Mr. Addington, in his answer to the Mexican Association, stated that the attention of Her Majesty's Ministers was called to the subject; and that forthwith energetic measures would be taken to prevent any interruption in our commercial relations. The second packet went out on the 18th of June; and on the 29th of June, as I stated before, the late First Minister of the Crown declared to this House that the first packet had taken out the offer of mediation from this country to the United States of America. But I read in the *New York Journal* of the 20th of July, this great and astounding fact, that, notwithstanding the declaration of the right hon. Baronet the then First Lord of the Treasury, that such an offer had arrived in the United States, that no such offer of mediation had been sent out. And on the 24th of July, the *Washington Union*, an official organ of the American Government, and a Government authority, declared that no such offer of mediation had been made—that no such offer of mediation was sent out—nor had any such offer of mediation been signified to Mr. Pakenham. The question I shall therefore conclude with is, to ask my noble Friend what is the true state of the case? What was that offer of mediation submitted by Great Britain to the United States, bearing upon their hostile aggression on the Empire of Mexico—and what has been the result?

Viscount PALMERSTON: I have great pleasure in giving my noble Friend an answer to the question he has put. I trust, however, that the House will think I am pursuing that course which is most befitting the position I hold, if I do not follow my noble Friend in those observations which he has made upon the past transactions between this country and the United States, Mexico, and Texas, concerning the relation of that country with Texas, and the annexation of Texas to the United States. These are matters which belong to past periods; the facts are historically known; and it is not, I think, necessary or useful for me at present to express any opinion upon them. Sir, my noble Friend has expressed opinions as to the injury which must accrue to British interests from the war now going on between Mexico and the United States. I entirely concur with my noble Friend that in the present state of international relations in the civilized world it is impossible that any great war can be carried on between any two considerable and independent States without that war affecting prejudicially the commercial interests of all other countries which may have relations of commerce with the two contending parties. And in proportion as commerce increases, in proportion as commerce is freed from all those restraints which tend to limit and circumscribe its extent, in that proportion will it be the interest of all nations that peace should universally prevail. Therefore do I look with the greater satisfaction upon the progress which has lately been made by those doctrines of free and extended commerce which appear to me to afford additional security for the maintenance of peace all over the world. I think, however, my noble Friend has in some degree exaggerated the facility with which, in his opinion, the United States may establish their authority and dominion over the territories of Mexico. Those territories are vast in their extent, and in proportion to their vastness is enhanced the difficulty of carrying on military operations of an aggressive character within their limits. That country is occupied by a very large population, of from eight to ten millions of inhabitants, of a race different from the people of the United States, of a religion different from the religion of the United States; and though it might be easy for the United States to incorporate with the Union a country like Texas, filled and inhabited almost entirely by United States, settlers, the question, I can assure my noble Friend and the House, becomes very different when it applies to the annexation of territories much more thickly peopled, and inhabited by a race different in those two respects from the race which wishes to possess them. I will, however, say nothing which shall in any degree affect that character of impartiality which befits a Government that offers its mediation between contending parties. My noble Friend doubts the accuracy of the statement which was made by Her Majesty's late Government with respect to the offer asserted to have been tendered by them, of mediation between the two parties. I am glad, in justice to our predecessors, that my noble Friend has enabled me to set that question right. The facts of the case are shortly these. It is perfectly true, as asserted by the right hon. Baronet at the head of Her Majesty's Government, that an offer was made to the United States, and also communicated to Mexico, which Her Majesty's late Government understood and meant to be an offer of mediation. That offer was, I think, properly conveyed, in terms which left great latitude of interpretation to the Government of the United States. Our position with respect to the United States was at that time not the position of unbiassed impartiality which befits the character of a mediator. The question between this country and the United States with respect to the Oregon territory had not at that time been finally settled. It was possible, notwithstanding the negotiations then going on, that that question might have assumed a character which would have divested Great Britain of the quality of impartiality which should belong to a mediator. If that discussion had ended in a rupture between Great Britain and the United States, our mediation, of course, between the United States and Mexico would have been out of the question. The offer, therefore, which was made to the United States was in effect this—that if the United States were disposed to accept the mediation of Great Britain, that mediation would be frankly offered and tendered. I think that was going as far as in the then existing state of things the Government of Great Britain could properly have gone. The Government of the United States, however, considering what I have already stated with respect to the position in which the Oregon question had placed Great Britain towards the United States, did not think it expedient to express any wish upon the subject; and therefore no answer was sent, it being understood by the Government of the United States that the communication was not one which necessarily required an answer; that they were left at liberty to act upon it if they pleased; but that no umbrage would be taken by this country if they abstained from taking any steps consequent upon it. I had, however, an interview not long ago with Mr. M'Lane, the American Minister, who, I am sorry to say, was obliged, on account of his health, to retire from his post here, and return to the United States. I am sure everybody who has had the good fortune of knowing that distinguished man will greatly regret that the two countries have lost the benefit of his services here as the organ of communication between the two Governments. I am satisfied that, whoever the United States may think fit to send in his place, no man can be sent who can have at heart more strongly than he has the maintenance of good relations between the United States and England, or who can be possessed in a higher degree of all those qualities which might enable him to carry that wish into effect. I found from Mr. M'Lane that such as I had described had been the understanding of the United States; and as fortunately it has fallen to my lot, since I have held the seals of the Foreign Department, to exchange with Mr. M'Lane the ratifications of a convention with the United States for settling the Oregon question, I, on the part of Her Majesty's Government, have instructed Mr. Pakenham now to make the renewed offer of mediation, in a shape that shall require an answer from the United States. A corresponding communication has been made to the Government of Mexico; and, therefore, the offer having now been made to both the contending parties, it will depend on the answers we may receive to these communications in what degree the Government of this country may be successful in bringing to an amicable settlement a difference which I am sure all the well-wishers of both Mexico and the United States would rejoice to see terminated. There is another point I think of some importance, as illustrative of general principles—that the United States having found themselves engaged in a war with Mexico which involved the necessity of great additional expenditure, military and naval, and finding that their revenue was insufficient to meet that increased demand, bethought themselves how that revenue might be increased. What was the step which the Government of the United States took for that purpose? That step was to lower the duties on imports. They said these high protecting duties might be all very well in time of peace, when the revenue is of less object to us; but we must abandon them now that the commencement of war requires a great augmentation of our resources. That circumstance is a strong illustration of the truth of those doctrines which go to show that freedom of commercial intercourse not only conduces to the development of the commercial industry of a country, but is the surest foundation of an augmenting and prosperous revenue.

Mr. DISRAELI: I am quite sure that in negotiating these matters between the United States and Mexico, we shall not find the noble Lord the Secretary for Foreign Affairs forsake his usual prudence and caution. But, at the same time, I am bound to state that the observations he has made on this occasion appear to me to be by no means satisfactory. The British merchants are deeply interested in the fate of Mexico—much more deeply than has been described; for independently of the great public debt owing by Mexico to this country, and independently of the great mercantile establishments, the British capital invested in mining operation, in sixty-five undertakings far exceeds the ten millions which have been alluded to by my noble Friend the Member for Lynn. So much are British merchants interested in the condition of Mexico, that at this moment they believe the political existence of that country to be at stake. It would have afforded us some consolation, if the noble Lord had informed us that the mediation to which he alluded had been accepted; but I cannot find any such consolation in the vague statement of the noble Lord, that in the development of the principle of free trade we shall find the best means of stopping foreign wars. I do not credit that theory; and, under present circumstances, I am the less willing to accept it as truth, when the noble Lord tells us, in another part of his observations, that the reason why duties were reduced by the United States was, that they might have increased means of prosecuting the war. The two positions of the noble Lord are in direct contradiction to each other; and the best answer that could be given to the first position of the noble Lord would be, to refer it to that with which he concluded his observations. I said, it was the opinion of the merchants that at this moment the dolitical existence of Mexico was at stake; and that that was my noble Friend's apology for bringing the subject forward on this, almost the last, day of the Session. It is because they believe that in the interval between this and next Session circumstances of a vital character may occur; it is because they believe that this affords the only chance of calling the attention of the Government and people of this country, that the merchants have induced my noble Friend to bring the subject under the notice of the House. The noble Lord has said, that the affair of Texas is now matter of history. Why, it is because it is matter of history that my noble Friend has referred to it. It is an illustration of the system which has already been so prejudicial to English interests, and fatal to the power of the Mexican people; and my noble Friend referred to it because the same system is now pursued; and events are now contemplated which British merchants are anxious should not also become matter of history. When the merchants of England lent their money to the Mexican people, the Government of that country mortgaged the province of California as security. When the people and State could not pay the interest of the public debt, and at a subsequent period, in 1837, passed their law of conversion, being on the whole a highly equitable arrangement with the English creditor, they gave them another mortgage on Texas. That province, on which England had ample security, has already escaped the grasp of Mexico; and the English merchants and creditors are anxious that California should not escape also. The noble Lord, who understands the question better than any man in this House, or perhaps in the country, makes a most unsatisfactory speech concerning it. He speaks of the Oregon Treaty as a satisfactory arrangement. Why, the noble Lord knows as well as any man that the Treaty just ratified for Oregon is, perhaps, a necessary, but a fatal step in advance towards the completion of all the United States' designs on the Mexican territory. The plan of the United States has all along been to surround Mexico. They attack the provinces on one side; and the noble Lord, who thoroughly understands their policy, the moment their intrigues had induced Texas to declare itself independent, that moment the noble Lord recognized its independence, in order to place an independent State as a barrier between the United States and Mexico. What did the United States then? They annexed the barrier; and at the same time entered into a controversy about the worthless territory of Oregon, which to them was not of the slightest importance until they had obtained Texas. By these means they reached the Pacific, and took a position on the other side of Mexico, close on California, thus, as it were, surrounding the whole State. I am not objecting in the abstract to the Oregon Treaty. It is always our interest to fix the limits of the United States, as it is their policy to have everything undefined. It is our interest to have Treaties with the United States, because in controversies they afford positions for discussion; and it is also our interest because they gain time without loss of honour or dignity for the people of this country. But what has been the result of this Oregon Treaty? The United States have appropriated to themselves a rich province on one side of Mexico; and on the other they have taken up a position which, in effect, enables them entirely to surround the provinces of Mexico. Now, what the merchants want to know is, whether the Government of this country sees a fair probability of preserving the political integrity of Mexico? That is the Mexican question. The merchants understand it perfectly well, because their means of communication are ample and intimate; and they are as well acquainted with the Mexican resources in men and money as any Minister of State can possibly be. They are of opinion that the political integrity of Mexico is at stake, that it may be lost before two months are over; and, before Parliament is prorogued, they wish that the attention of the Foreign Minister and the country may be called to the question. The noble Lord has announced to us that Mexico is a very large country. It is a very large country; it is equal in size to Europe, with the exception of Russia; but it is still a country very easy of invasion; and is, moreover, the richest in natural resources of any country in the world. There is no other country of which it can be said, that while as the staple productions of its soil it brings forth every grain and vegetable in existence, while it produces sugar and coffee, tobacco, and the choicest dyes, at the same time it yields from the mines beneath its surface precious metals to the amount of 20,000,000 of dollars annually. Well, Sir, of this the British merchants are convinced, that there is no power of self-government in Mexico. They form that opinion, not only from fatal experience—not only from the losses they have incurred, and the amount of protection they have enjoyed, but from a mass of facts, from the opinions of influential Mexicans themselves, and from the past history of that country. This important fact is not very difficult to prove. Already portions equal in size to a European kingdom have applied to foreign Powers to undertake their protection. Both the great parties which divide the country, the central and federal parties, have announced in unequivocal terms that they will support any foreign Power which will secure order. I know that communications were made some years since to the Court of France. I should not be surprised if the noble Lord found some trace of them in Downing-street archives; but this I know, from my own experience, that this year the province of Sonora, which is larger than the United Kingdom, communicated by the representative of one of its most powerful families, the intelligence that they would acknowledge the suzerainty of the United States, if the latter would protect them and secure order. In fact, Mexico has only one desire. It has very little national feeling—it wants tranquillity. The want of order has not been produced as in other countries. Not from want of resources, because Mexico is the richest country in the world; not from want of credit, because for years it has been the spoiled child of European financiers—but because it labours under a positive and utter inability to maintain that police which is necessary to municipal civilization. I know that to promulgate opinions of this kind, to maintain that any nation is incapable of self-government, is sure to be unpopular in this House; but you must not imagine any analogy between Mexico and the United States: the means by which each threw off the domination of the mother country were totally different. That is a material difference, which forms the secret of all the remarkable vicissitudes which have occurred to the Spanish Colonies. Our Colonies threw off the yoke of the mother country because they were strong; the Colonies of Spain threw off her yoke because the mother country was weak. They had no means of self-government; and consequently at no time since their enfranchisement have they been able to govern themselves, although they maintained some years since certain semblances of order, through the influence of English capital and the exertions of English subjects. My noble Friend has not at all exaggerated the amount of our trade with Mexico. I remember, in 1842, moving for returns for the previous twenty years, when I found the averages on those returns to exceed half a million annually; while, if I went back to '24 and '26, when something like order was maintained, I found the consumption of British goods to exceed a million sterling annually. There is no doubt but that if you had maintained that order we should now be exporting to Mexico to the amount of 2,000,000*l.* a year. Then the question is—what are we to do with Mexico? It is all very well to say that the Government has offered mediation—we might have hoped something from that two months since; but now you may rely on it that mediation, even if it expedited, may stave off for a moment, but will not prevent, the catastrophe, unless some more decisive measures are adopted. What have been the means used by this country to support Mexico against the encroachments of the United States? Our Ministers have made use of that weapon which, in ancient monarchies, it is always proper to assume—they have made use of diplomacy. That is the proper weapon in a high state of civilization, and when communicating with Governments similar to our own; but I ask you what results you can obtain from diplomacy when acting on Governments which do not last a month—which are born in a revolution, and expire in a riot—whose cabinets are so transient that you may count them by the week, and are headed by the general who at the moment commands in the garrison or the camp? On the other hand, how do the United States move? Do they make representations to what, by courtesy, are called Mexican Cabinets, or to what is called, for the time, the Mexican Government? No; while you are acting as if at St. Petersburgh or the Tuilleries, the citizens of the United States, availing themselves of an unblushing and avowed propaganda, never trust anything to diplomacy, but address all the weak, corrupt, and discontented portion of the population of the provinces, and, before you get an answer from the phantom of a Cabinet you address, those provinces are invaded and appropriated, the lands parcelled out, and the securities of the British merchants sold before you can receive an answer from Mr. Pakenham. I do not mention this as a sneer against Mr. Pakenham. I believe that a more able diplomatist does not exist; and I am glad to see that he has been removed from Mexico to the proper scene for the exercise of his talents and experience. But, to revert to the main subject: if Mexico be totally incapable of self-government, if all the projects of propping her up by diplomacy have failed, what are you to do? There is a third course: will you pursue it? Will you act as you have acted to other States under similar circumstances? Will you protect Mexico? Will you do by that country as you did by a revolted Colony—by Greece? Will you come forward, and in combination with the great Powers most interested in the affairs of Mexico, establish a protectorate for that country? Give them ten years of tranquillity, and I believe it will not be lost on that people. The merchants of England want these questions answered. They know what protests may be offered against anything like interference. They know that there is nothing more easy than to announce that, under no circumstances, can that system be adopted. But they are practical men, and know that at this moment the principle of interference is the only principle, and that you are carrying it out where your stake is not half so valuable, where your interests are not so vast, and where, I may be permitted to add, your political relations are not so important. There is not the slightest reason why the United States should not watch over Mexico, as Russia watches over Greece; there is no reason why France should not join in the protectorate; and as for our own country, you are called upon only to do that for which there is precedent, and which you are at this moment doing in other parts of the world. It is only by so doing that you can secure the independence of Mexico. I believe there are no other means. I believe that if you think you can by diplomacy influence the fortunes of Mexico, through those feeble coteries called cabinets, you are only repeating the delusion under which you so long laboured, and have so unfortunately persisted in. I cannot sit down without reminding the House and the country that there is a greater stake than even the vast treasury and vast future of Mexican affairs to England. It is not merely the twenty or thirty millions of debt, nor the increased number of consumers for our commerce; but if the principle on which the citizens of the United States are now acting be not arrested in a determined spirit, you may rely on it that your North American Empire is imperilled, and will, I believe, be lost. For my part, I cannot see that the desire of universal empire is a whit less dangerous in the other hemisphere than our own. If any European Power—if a modern Louis XIV., if a Napoleon, only announced the same principles of policy as, I will not say the American Government, for that is a second or third consideration, but the people of the United States have announced, the rest of Europe would soon be up in arms. It is a principle which, if persisted in in this case, cannot stop short of the entire conquest of America; and then, possessed at the same time of the Gulf of Mexico and the St. Lawrence, all the strong maritime and military points, the people of the United States will not only appropriate our West Indian possessions, but will shake the authority of our metropolitan empire.

Mr. BERNAL, while he did not underrate the importance of the subject so temperately brought forward by the noble Member for Lynn, or of the statement made by the hon. Member for Shrewsbury, did not think the data upon which they proceeded warranted the conclusion to which they would drive the Government. Did the noble Lord wish a squadron to be sent to Mexico to demonstrate our readiness for hostilities? Such views, he thought, were not only chimerical but dangerous. It might be easy to invade, but it was not so easy to retain a country like Mexico. If it were written in the book of time that Mexico must fall, all the European Powers could not avert the catastrophe. He conceived the greatest security for the commercial prosperity of England in that quarter of the world would be the opening of a communication between the Atlantic and Pacific oceans—an attempt which had been often talked of, and which he thought not romantic or impracticable, but feasible and possible. He did not know what the noble Lord desired. The communications had been renewed on the subject of Mexico from this country to the Government at Washington; and did the noble Lord desire to precipitate events? Ought we to be daring enough and criminal enough to evince a readiness for hostilities just at that moment the Oregon question had been settled? As to the exports to Mexico, he held they did not exceed 600,000*l.*, and for that consideration were they willing to place the whole exports of the country in jeopardy? He recommended them to wait until next Session, and see what answer was received from Washington. He could say much more upon this subject; but he abstained, and would content himself with expressing his entire approbation of what had fallen from the noble Lord the Foreign Secretary.

Mr. P. H. HOWARD said, it was absolutely necessary for us to maintain something like the balance of maritime power, which we could not do if Mexico fell under the dominion of the United States. He was not without hope, however, that the long-suffering tenacity of the Spanish character would be able to maintain itself against the more compact power of the United States. He trusted that the mediation between the two countries would be accepted; but if not, that the great Powers of Europe would be aware that they could not suffer a great preponderance of power on the other side of the Atlantic, without eventually shaking their own power and commercial superiority. No Englishman could witness without sympathy the prosperity of the United States; but they must not attempt to ally the spirit of commerce with that of conquest. He was quite satisfied with the noble Lord's (Lord Palmerston's) statement, and hoped he would evince the same capacity and achieve the success as in his former efforts as a diplomatist.

MR. WAKLEY congratulated the noble Lord on the novel position in which he must find himself. Nevertheless, he had always regarded the noble Lord as a peaceful Minister, and that the course of his policy was the best for the maintenance of peace between this and foreign countries. He had never pursued a mean, or truculent, or subservient policy, but one which became the power and character of this great country. It had been said, only a few months ago, that the noble Lord, not now in his place, failed in forming a Government because the noble Lord was considered even by his own friends to be a fighting man. But it was to be hoped that delusion was now dissipated: if it did still prevail, the speech of the noble Lord this afternoon ought to remove it from every mind, for a more peaceful speech had never been uttered. It was for the benefit of the whole human race that peace should be maintained, and nothing was so calculated to preserve it as free and unrestricted commerce. He was delighted to find the noble Lord was anxious for the restoration of peace between Mexico and the United States, and trusted he would not change his policy.

Subject dropped.

House adjourned at a quarter to Four o'clock.

HOUSE OF LORDS,

Tuesday, August 25, 1846.

MINUTES.] PUBLIC BILLS.—1ª. District Lunatic Asylums (Ireland); Pawnbrokers.

Reported. Poor Employment (Ireland); Consolidated Fund (Appropriation); Public Works (Ireland) (No. 4); Public Works (Ireland) (No. 5); Constabulary (Ireland) (No. 5); Leases (Ireland); Private Bills; New Zealand Government; Railway Commissioners.

3ª. and passed. Steam Navigation; Customs Duties (No. 2); Rateable Property (Ireland); Drainage of Lands.

PETITIONS PRESENTED. From Lambeth, for the Abolition of Ecclesiastical Courts.—From Cork, in favour of the Baths and Washhouses (Ireland) Bill.—From Charles Staunton, Cahill, against the Public Works (Ireland) Bill. —By the Earl of Clarendon, from Attorneys at Law, for the Insertion of a Clause in the Small Debts Bill to appoint any Attorneys at Law to be Judges of the Courts to be established thereunder, whom the Lord Chancellor may consider duly qualified.

THE EARL OF RIPON'S EXPLANATION.

The EARL of RIPON: My Lords, I must request your Lordships' indulgence for a short time, whilst I refer to a topic most deeply interesting to myself, and which has been the subject of discussion in your Lordships' House. I greatly regret that it was not in my power to be present in my place during the last week or yesterday, on the occasions on which this subject has been adverted to. But, feeling that the matter is one which deeply affects my public character and honour, I held it to be my duty, at the earliest possible moment, to present myself before your Lordships, for the purpose of making some remarks on the subject in question. I came down, my Lords, this day fully prepared to enter into a full and dispassionate detail of all the circumstances which have been recently adverted to; but in the situation in which that matter now stands, and referring to what was stated by my noble and learned Friend the other night, in vindication of himself as well as of me, I do not think that it is necessary for me to trouble your Lordships by pursuing any such course. Indeed, I would willingly have abstained from saying anything at all to your Lordships, if I could have reconciled my silence to the sense of what I personally owe to my own honour. But, my Lords, I am bound to state, as I now do here, on my honour as a gentleman, and were the words the last I was to utter on this side of the grave—I feel bound absolutely to deny in the most unqualified manner that there either is or was the slightest foundation for the imputation which has been cast upon me. And that imputation is no light matter. It is not one which affects me merely in my political capacity; but one containing a much more grave and serious accusation—an accusation of trafficking in a matter of ecclesiastical patronage, and of endeavouring, by a most scandalous interchange of advantages, to obtain for myself the nomination to a living which I was desirous that a friend should possess. My Lords, I have ever felt the disposal of ecclesiastical patronage to be a matter of awful responsibility. It does not concern merely the temporal advantages of those who reside in the parish over which the appointed clergyman presides, but it affects their eternal interests. That any man then, my Lords—any man of common feeling—any man who has a sense of what is right in his bosom, would be guilty of such dishonourable, of such scandalous traffic—is an imputation I should hold it impossible to assert, were it not as clearly proveable as the sun at noonday. With what feelings, my Lords, were such a charge true—with what feelings could I enter the walls of that parish church—the parish in which my residence is placed—a parish which, with the exception of the clergyman's glebe, altogether belongs to me—with what feelings, I say, could I enter that parish church other than those of the deepest shame and degradation—feelings more easily conceivable than described. My Lords, I have been accused of a most scandalous action. I rest my defence here—I stand on my own character—that character is before the world—it has been before the world for thirty years, and if it do not defend me from such attacks, then no explanation I can give, no arguments I can urge, can have that effect. But I may be permitted, my Lords, to advert to one or two circumstances of a most extraordinary nature, which have attended this accusation. No notice whatever was given to me of an intention to prefer any such charge. I knew, indeed, by accident, that a question was to be asked upon a legal matter; but as there was not a shadow of truth in the accusation about the living of Nocton, I never anticipated the possibility of such an imputation being cast upon me; and I therefore had no opportunity of instructing anybody in the facts of the case, or requesting any friend to be present in Parliament to deny the charge in the most indignant, and vindicate my character in the most ample manner. My Lords, I was as much astonished when I heard that accusation as though I had been charged with committing murder. It was a proceeding neither usual nor courteous, nor, above all, just; and I hope that it is the last time that any accusation of the sort will be preferred in such a manner, and in such a hurry, without giving the individual accused an opportunity of replying, and of vindicating his character. But, my Lords, it appears that this scandal proceeds from some unknown and unnamed person. I wonder who he is. He is stated to be eminent in his profession. What profession? Is it law? Is it the church? Does he honour the army with his name? Who is he? What is he? I know not, my Lords, and care not who he is—but I can't help knowing what he is—and that is more to the purpose. My Lords, it is an informer, who has volunteered to make this carge. When he saw the notice of Motion in the newspapers, he volunteered to make a written statement on which to found the charge. What do I infer from that? Why, that the individual who was to bring forward the accusation, had at first no intention of adverting to it at all. He knew nothing about it. But I want to know where that written paper is? Am I not entitled to ask? It is the indictment on which I have been arraigned, and upon which I have—at least in the opinion of one individual—been found guilty. Where then is it? Does it exist? In whose hands is it? In the hands of the individual who was called upon to use it? I doubt that very much. But if it be not, on what ground can it be urged as a proof of the charge brought against me? Am I to remain in ignorance of the contents of that paper? Such a course is unusual I am sure; it is unjust I am sure. But in order to show, I suppose, the degree of credit to which this anonymous informer is entitled, it was stated that he is a person closely connected with the living of Nocton. How could that be? What did he know of the circumstances which induced me to apply to my noble Friend? My Lords, there is a remarkable circumstance with respect to the living of Nocton. Only two incumbents have enjoyed it for the last eighty years. One of them held it for thirty-one, the other for forty-eight years; and I know to a certainty that with regard to the first, the rev. gentleman who held it for the former period (and I know this, because I have recently been on a visit to his son)—I repeat, that I know to a certainty that it is impossible that with respect to that gentleman any information could have been either possessed or obtained by any one to be made the matter of a serious accusation against me. Neither do I believe that any individual who bears the name of Hobart, that of the latter incumbent, ever would be guilty of attempting, by supplying anonymous information, to injure my reputation, and hand me up to the reprobation of the people of that parish, who I hope respect me and love the family with which I am connected. No, my Lords, from neither of these sources did the anonymous scandal come. I ask again then, who furnished it? and with that question I pause. I need proceed no further. It were unnecessary to enter into more minute details, "*Liberavi animam meam.*" I only add—conscious of my own innocence, conscious of the injustice of the accusation brought against me, conscious of its total want of foundation from beginning to end, and at the same time feeling that a grievous wrong has been done me—that my character has been most unjustly aspersed, and a great injury thus inflicted—I say I have only to add, that I still would rather be the victim of that wrong, that I still would rather carry with me to the grave the sense of that injury, than be the anonymous author of the calumny which this accusation has flung upon me.

POOR EMPLOYMENT (IRELAND) BILL.

The MARQUESS OF LANSDOWNE, in moving that the House should go into Committee on this Bill, said, that the circumstances which had rendered it necessary would be found detailed in the volume of correspondence which had already been laid before their Lordships. Their Lordships were aware of the disease which had appeared in the potato crop in Ireland in November last, and of the steps which the last Government had taken to relieve the distress which had been occasioned by that calamity. Of the measures of Her Majesty's late Government in supplying Indian meal he entirely approved. Within the last month, however, appearances had exhibited themselves which too surely indicated an aggravation of the misfortune which had befallen the people of Ireland last year; and it therefore became necessary to review the measures which the late Government had carried, with a view to their temporary relief. With respect to the supply of food, he was enabled to state that there was no intention to introduce it upon the account of Government. He was sure that supplies would not be wanting, if the demands of the people required supplies, and that they would be amply met by private enterprise. It was determined, therefore, that the Government would not become importers either of corn or meal, but would leave its importation to be regulated by the ordinary course of trade. He did not mean to say, however, that Her Majesty's Government would feel themselves precluded from exercising, in case of urgent necessity, a superintendence over the distribution of these supplies at home, which could be done without injuring the importers. With reference to the supply of food, therefore, he had little to say; but one important object of the Bill related to the amount of wages which was to be secured to the people of Ireland. Much might be, and doubtless had been, done by the benevolence of individuals; but under existing circumstances it was not proper to rely entirely on the exercise of that benevolence. The material object, therefore, of the Bill, was to provide that in cases of distress there should not be wanting a due employment of the poor and labouring classes in that country. Greater powers were undoubtedly given in the Bill for this purpose, than he should wish to see entrusted permanently to any officer, however exalted his rank. Under the circumstances, however, it had been determined that the Lord Lieutenant of Ireland, on the representations of certain districts, should authorize advances to be made by Her Majesty's Government, the whole of such advances to be ultimately repaid by the districts in question, and the period of repayment to be spread over not less than ten years, by instalments, with interest upon such advances, at the rate of three and a half per cent. That was the principle on which Her Majesty's Government must chiefly depend for the reduction of the amount of that evil which must be expected to occur. Still, Her Majesty's Government would not be deaf to every demand that might be made upon them for assistance, nor would they leave this Bill to take its course without holding out any further aid. The Government would still continue to make advances upon the application of grand juries or private individuals, for making great lines of public communication; and they would make a grant from the Treasury of one-half of the funds required for the purpose, and would also make further advances, if necessary, in the form of loans. Another object which the Government had in view, was to make advances in furtherance of local subscriptions for charitable purposes. The works which would be carried on under this system, although they might be contributed towards by private individuals, and contributed in a sense in many cases for private purposes, would nevertheless be under the control of the officers of the Government, directed by Government engineers, and so constructed that they would be calculated to contribute in the greatest possible degree to the prosperity of the nation, as well as to private and individual advantage. He had now stated a general outline of the three measures which the Government proposed, and having done so he would express a hope that the crisis which now existed in Ireland, however it might be productive of suffering for the present, was calculated to lead ultimately to good, and that it would be followed by such a change in the social system of that country as would place its population in that position amongst the populations of the world which all their Lordships desired to see. He believed that the course of conduct which the Government proposed to adopt would be a great benefit to the small farmer, if farmers they could be called, who had no capital, by affording such a constant supply of work as would show the perfect possibility of maintaining support by day labour. He trusted that, besides raising the character of the Irish farmer, these measures were calculated to do much good in improving the social condition of the country; and thus, whatever bitterness of feeling or suffering might be caused by the present distress, it would ultimately have a good effect, Parliament in the meantime doing all that lay in its power to alleviate, ameliorate, and remedy the evil which existed. The noble Marquess moved that the House go into Committee on the Bill.

Lord MONTEAGLE said, he should be happy if he could see so clearly the way of escape from the evils under which Ireland now suffered from the loss of the potato crop. He agreed in the propriety of the Government not purchasing the Indian corn which would be required; but he would remark that the circumstances under which the late Government had acted last December, and the previous state of the law respecting the importation of Indian corn, were such as justified the late Government in adopting the course which they had adopted. It was, in his opinion, the duty of the Government to facilitate by every means in its power the distribution of food to the people in such a calamity as that which now afflicted Ireland; and with respect to supplying employment for labour, he could not avoid expressing his regret that they had not, at an earlier period of the Session, when they had a larger attendance of Peers, been afforded an opportunity of discussing the subject. He feared, however, that his noble Friend and the Government would be disappointed in the effect of this part of the Bill. Only that very morning he had received an account from the south of Ireland, which showed that the present state of things exceeded the possibility of any anticipation of their Lordships. It was from a most undoubted authority, a gentleman who was a magistrate in that part of Ireland, and was dated only on the 23rd instant. The writer said—

> "You cannot conceive anything so frightful as the universal aspect of the potatoes. Since I came to this part of the country, I have not seen one single field that is not rapidly approaching to destruction. In the county of Cork you may travel for miles together without seeing, for field after field, anything above ground but blackened stalks of potatoes. In this part of the country the disease has not advanced so far; but the different stages follow each other so quickly, that it will not be long first. So far from the accounts in the papers being exaggerated, I read none that appears to me to be short of the truth. From this you may judge of the immense magnitude of the coming evil."

The effect of this destruction was, that there never was in modern times so small a stock of potatoes which were calculated for food, as compared with the population and the period during which it would be required to provide food for the population. It ought to be recollected that the peasantry of Ireland grew their own food, and they were, by this disease of the potato crop, deprived of the first necessary of life. Under these circumstances, therefore, however they might respect the doctrines of strict political science and of non-interference, yet they would not be doing their duty as legislators if they stood by and allowed the people to perish without interfering to prevent it. He had great confidence in the effect which would be produced by a free trade in Indian corn, and it afforded him great gratification to find that the people of Ireland had not only accommodated themselves to the use of Indian corn as food, but had begun to prefer it to their usual food; and he should remark that, with the supplies of that article which were expected from the other side of the Atlantic and the ports of the Mediterranean, there was no reason for anticipating any deficiency in the supply of that description of food for the Irish people. He trusted that Government, in order to render that supply of the greatest possible advantage to the Irish people, would adopt adequate means to enable them to have that corn ground into flour. That was the more necessary in Ireland, inasmuch as Ireland was not a bread-eating country, with mills scattered over the face of it in such numbers as over England, the mills in Ireland being rather commercial in their character, and used in a great degree for grinding corn for the purpose of exportation. He had great reliance on the advantages which might be expected from the change which had taken place in the law with respect to the importation of Indian corn; and he also had great reliance on the improvement which would be made in the Board of Works. With respect to the grant of 50,000*l.*, he was of opinion that it would be quite inadequate to the purpose for which it was proposed, and he would observe that the mode of making the grant was a most important consideration, for grants might be so well regulated that they would become the means of conferring great benefit upon the country. By enforcing private subscriptions in aid of the grants, they would adopt a course well calculated to call out the latent resources of the country; but if this grant were made by itself, without anything else, it would be ineffectual in calling out these private energies. He had it on the opinion of Lord Devon, of Sir Richard Bourke, and others, that the people of Ireland did not want gratuitous relief, but grants, made conditional, on private contributions being brought in aid, which would call forth the resources of the country, without which no good could be done. Since the year 1834, no less than 213 miles of road had been constructed in that country; for that purpose 13,300*l.* was contributed by private individuals, who made their contributions on the principle of their being in aid of the grant from the Government. In addition to those 213 miles, twenty-one had been made by his noble Friend near him (the Marquess of Lansdowne) and given to the public. Upwards of fourteen miles had been made by another individual, and yet for the whole of that there was a grant of only 30,000*l.*; whereas the whole expenditure was 123,000*l.*, laid out under proper superintendence, as improving the condition of the country, and aiding the wages of the labourer. This was the system which at a moment of exigency was to be upset by this vote of 50,000*l.* As a vote it was inadequate to meet the difficulty. Though he bore now, as on former occasions he had borne, his humble tribute of approbation to the Report of Lord Devon's Commission, yet he did say that there were principles in that report, and those principles were the ones on which he feared the present Bill was founded, which were perfectly indefensible. Now, with regard to the baronial sessions, and the rate which was to be levied on the Poor-law valuation. That proposition involved the principle of contributions from the landlord, as well as from the occupying tenant, and he fully acquiesced in that principle; but in taking the Poor-law valuation they were adopting a valuation which was so fraudulent and unjust, that only the other night the noble Marquess thought it necessary to introduce another Bill in its place. Would their Lordships believe, so variable was the valuation, that property valued to-day at 64*l.* might be valued to-morrow at 73*l.*, property valued at 67*l.* might be raised to 106*l.*, at 81*l.* to 119*l.*, and so on? The result of that system was that they had inequality, injustice, oppression, and fraud everywhere; and yet by the way of popularizing the present rate, in order to make it palatable, they engrafted the present measure upon that defective valuation, and expected that it would remove the miseries of Ireland. He objected to this part of the Bill also, because all of a sudden in the month of August, and without notice, they were about to bring the whole tithe-property of the Church into this assessment—whatever there was of mines, of canals, of railways, of fisheries, of mills, of tolls, the whole of the turbary of Ireland, at present free from rates, all were to be brought into this assessment; and this in so unfair a manner, that if the valuation were 50 per cent below the actual value, the tithes would be rated at their full amount; and he stated that that was a most mischievous part of the Bill. But he had another and still more fatal objection to this Bill, and that was, that it practically involved the introduction of the principle of out-door relief for the poor of Ireland. Whether that was a right or a wrong principle, he did say that it was the greatest social change that was ever made in any country. He did not stop to examine the principle; but whether for good or for evil, no change was ever proposed in reference to the social economy of any country in the world of so great a magnitude as that which they were now taking blindfold. He contended that the groundwork of their measure should have been the "profitable" employment of the people. But if they set their baronial sessions to work without reference to "profitable" employment, they would be making "relief" the only object, whilst they would be wasting capital, and destroying the funds that would employ labour. If they adopted that step, he feared that they would have to look back to the present evil as a lesser calamity than that which it would inflict upon the country. If they had adopted a different plan, they would not have limited themselves to the 30,000*l.*, but would have used the 160,000*l.* they had wasted by the vote of last night; they would have developed the internal resources of Ireland, and they would have escaped the evil of out-door relief. The other measures of the Government would be of little avail: the Drainage Bill was inapplicable to Ireland, the Pier Bill was inadequate to its purpose; and this the only Bill on which they could rely, would not call forth the expenditure of a farthing from the pockets of individuals. It was given in evidence by Mr. Griffiths, that not only were these subscriptions to relieve the distress contributed in sixpences and shillings by the poorer classes, but that the resident landlords had doubled the number of the labourers on their domains, and had begun a series of improvements on their estates by draining at a distance from their residences. There were also cases in which subscriptions had been largely given for improvements; Lord Stradbroke had contributed 500*l.* to make a road, and Lord Courtown had given his security for 1,000 guineas for other improvements; and if they now fixed this general tax upon the landlords, would not this general expenditure of capital be withdrawn? Let them take, for example, the estate of the Lord Lieutenant of Ireland, which was a model estate. Suppose the Besborough estate were surrounded by lands on which there was a pauper population, would it not be unjust towards him that the very amount of his own generous improvement should be made the measure of his own taxation, and that the amount of the neglect of his neighbours should be the measure of their demands upon them? The Bill would be a greater blow against the improvements that were now going on than anything that had yet taken place. The proposition would work against those who were willing to amend the state of the tenantry on their own estates, and was against the principle of the clause moved by the Duke of Wellington in the Poor Law; they were now departing from that principle, and making a well-managed estate pay a greater tax in proportion to the improvement, whilst the rack-rented unimproved land in the vicinity would have the benefit. This was a rank injustice, and it was upon these grounds he thought the Bill would prove mischievous. In confirmation of the view which he took of this part of the Bill, he would refer the House to a communication which he had received from a number of landed gentry in the county of Limerick. These gentlemen stated that the unanimous opinion of every one was, that the effect of the Government proposition would be to compel the landlord who was giving a great deal of employment to dismiss his own labourers, and to let them go on the baronial funds. That was what was apprehended by the gentlemen of Limerick; and they added that they were willing to be responsible for the state of the tenantry on their own estates. There could be no doubt but that the consequence of the measure would be that the more an estate was improved, the more it would be taxed; and that the more other estates were rack-rented and ruined, the less they would have to bear. He had already said that this Bill would introduce a system of out-door relief for the poor of Ireland, and he defied any noble Lord to distinguish the principle which this Bill laid down from that of out-door relief. It was out-door relief, and nothing less. With the permission of the House he would trouble them with the evidence of a few gentlemen well qualified to give an opinion upon this point. Mr. Senior stated before the Committee in 1846—

> "If to the existing Poor Law in Ireland were superadded out-door relief, I believe that all the evils produced in England in 300 years would be produced in Ireland in ten. It would be an entire confiscation."

Mr. Lewis stated—

> "My belief is that the introduction of a system of out-door relief in Ireland, similar to what obtains in England, would be a most disastrous measure. I believe that in a few years, however carefully guarded the law might be, and however trustworthy and intelligent the administration of the relief might be, it would absorb all the surplus produce of the soil, and I think in a short time deteriorate the condition of the persons for whose benefit it was introduced. I think it would impoverish the rich without improving the condition of the poor."

Mr. Gulson said—

> "I have no hesitation in expressing my decided opinion that anything approaching to out-door relief in Ireland would very soon swamp the whole property of the country."

Mr. Twiselton said—

> "I conceive it would be a fatal step to introduce any system of out-door relief for the unemployed population of Ireland."

Mr. Clements said—

> "I think the advocates of out-door relief in Ireland have very little knowledge of the inextricable web of difficulties they would get into if such a law was passed."

And the Commissioners, in their Third Report, which was signed by Archbishop Whately, by Archbishop Murray, by Lord Fingal, and others, were equally strong upon the subject. They stated—

> "If any considerable portion of the rental of the country were devoted to the support of unprofitable labour, it would be in a great degree consumed without being reproduced, commerce must decay, the demand for agricultural produce, except potatoes, and coarse clothing, must contract, rents must diminish, while the number of persons out of employment and in need of support must increase, and general ruin be the result. It may,

> however, be said that England, with the Poor Law system we condemn, has become great and flourishing, whilst Ireland, without it, is in a state of semi-barbarism. The fact is so. But because extraordinary strength has withstood poison, it does not follow that poison should be prescribed as a remedy for weakness."

He trusted that his anticipations, or rather his fears, might prove visionary; but he hoped that what he had stated on the system of out-door relief in Ireland would at least lead some of Her Majesty's Council to say whether they did not believe it necessary, in the application of this Bill, to guard against an extension of it, which would lead, not only from its consequences there, but from the expectations which it would call forth in this country, to the most serious and enormous difficulties.

The EARL of WICKLOW said, he thought Her Majesty's Government had shown a sound judgment in the mode which they had adopted of meeting the present difficulties of Ireland. At the same time, he should say that it was impossible for the late Government to have acted otherwise than they had done, considering the sudden manner in which the evil came upon them. He especially approved of the engagement made by the present Ministry, that they would not be concerned as importers of provisions, as he felt convinced that it would lead to a sufficient supply for the wants of the country, whatever they might be. He begged to say that in everything which fell from the noble Marquess he fully concurred. As to the means which the people would possess of obtaining food, when introduced, it was quite evident that, in the mode which was adopted by this Bill, certain evils must be expected to arise. It was totally impossible to expect, if they adopted the mode of taxation proposed, that the same degree of liberality and charity on the part of private individuals would be exercised as if no such taxation existed. The thing was out of the question. Under these circumstances, he thought that no plan of relief could be more eligible, or more likely to meet the exigencies of the case, than that which Her Majesty's Government had adopted. He regretted that the valuation of the existing Poor Law had been taken as the basis of the levy to be made under this Bill. as it would take the county cess collectors away from a system to which they had hitherto been accustomed. As to the point alluded to by his noble Friend respecting all property being liable to taxation, he should say that, considering the position of the clergy, surrounded as they were by a poor population, and considering the many claims that were made upon them, he thought they ought to be excluded from the tax. This was, he thought, the only objectionable clause in the Bill. At that late hour he would not trespass further on their Lordships' time; and he would conclude by giving his thanks to Her Majesty's Government for the anxiety which they had shown to meet the distress in Ireland. He thought no measure could be adopted that was better prepared or more constitutional than that which had been decided upon. He trusted that it would work beneficially; and he rested satisfied that if it did not, other aid would be furnished to the country to supply its deficiency.

The DUKE of GRAFTON said, the great object of the Bill should be to obtain a proper supply of food for the people, and in effecting that object he feared the present measure would fail. He believed that a great cause of the failure of the potato crop in many districts arose from an imperfect cultivation of the soil; and if the labourers were, under this Bill, to be taken away from the cultivation of the land to be employed in building bridges and constructing roads, agriculture would be left in a worse condition than before.

The MARQUESS of LANSDOWNE said, his noble Friend must be aware that no material alteration could be made in the nature of the Bill, as it could not be sent down again to the other House without great danger of losing it altogether for the present Session. Considering the great latitude which was given with regard to the works to be constructed, and the mode of applying the money to be raised under the Bill, he thought that there was no great danger of the evils arising which his noble Friend who had just sat down appeared to dread. As to the principle of dividing the expenses equally between the landlord and the tenant, it was, he believed, one in the justice of which they would all agree. The expenditure under the Bill would prove most useful, in the double character of effecting permanent and valuable improvements in the country, and at the same time of affording immediate relief to the people. With regard to the principal objection of his noble Friend, he denied altogether that the Bill would lead to the adoption of a system of permanent out-door relief. He was as much opposed to the introduction of such a system as his noble Friend could be; and he fully concurred with him that it was a system of a vicious character, and one which, if adopted, must lead to the complete confiscation of the property of Ireland.

Bill reported without Amendment.

House adjourned.

HOUSE OF COMMONS,

Tuesday, August 25, 1846.

MINUTES.] PUBLIC BILLS. — 3°. and passed. Small Debts; District Lunatic Asylums (Ireland); Pawnbrokers; Waste Lands (Australia).

PETITIONS PRESENTED. By Mr. Milner Gibson, from Importers, Dealers, and Consumers of Foreign Coffee, praying that the Duty on Foreign Coffee, may be reduced to Fourpence per Pound.—By Viscount Ebrington, from Guardians of the Poor of the Barnet Union, in the Counties of Hertford and Middlesex, for rating Owners of Small Tenements to the Poor Rates in lieu of Occupiers. —By Viscount Morpeth, from Chemists and Druggists residing at Leeds, in the County of York, praying that the Spirit Licenses and Duties Bill may not pass into a Law.—By Viscount Morpeth, from Committee and Members of the Bridlington and Quay Mechanics' and Scientific Institution, in favour of the Corresponding Societies and Lecture Rooms Bill.—By Mr. Greene, from Medical Practitioners of Axminster and its Neighbourhood, and by Mr. Wakley, from Medical Practitioners of the Borough of Maldon and its Vicinity, and from R. M'Gowan, M.D., and others, in favour of the Medical Practitioners Bill.—By Mr. Granger, from Members of the Relief Committee of the Baronies of Kinsale and Courcies, in the County of Cork, and by Mr. Labouchere, from Inhabitants of the District of Courcies, setting forth the Total Failure of the Potato Crop, and to suggest Measures for the Relief of the Poor in Ireland during the Impending Calamities. —By Captain Pechell, from Prisoners in the Queen's Prison, complaining of Harsh and Severe Treatment from the Keeper of that Prison, and praying that he may be deprived of the Power to inflict Punishment on the Debtor without previously submitting each Case to the Secretary of State.—By Viscount Morpeth, from Booksellers, etc. of the Town of Bradford, in the County of York, and by Mr. James Oswald, from Incorporation of the Company of Stationers of Glasgow, praying the House to refuse to Railway Companies the Power sought by them to open Packets and charge for each separate Parcel therein contained.—By Mr. Aglionby, from Messrs. Holme, Loftus, and others, Attorneys at Law, praying that in case the Small Debts Bill shall pass into a Law, the Lord Chancellor may be empowered to appoint any Attorneys at Law to be Judges of the Courts to be created thereunder whom his Lordship may consider duly qualified.—By Sir Thomas Troubridge, from Mayor, Aldermen, and Burgesses of the Town and Borough of Deal, in the County of Kent, in Council assembled, praying that the Small Debts Bill may pass into a Law.—From Occupying Tenants of the Parish of Carnmoney, in the County of Antrim, against the Tenants Compensation (Ireland) Bill.—By Mr. Charles Russell, from Wholesale and Retail Traders and Residents of and in the Vicinity of Hatton Garden and Holborn Hill, in the City of London, praying the House to adopt Measures for Redeeming and Extinguishing the Tolls upon Waterloo, Southwark, and Vauxhall Bridges.

THE POOR LAW COMMISSIONERS.

MR. HUME said, the House would observe, among the Notices of Motion for that day, one of nine Resolutions which he had placed on the book some time ago, with a view to giving an opportunity to the House to pronounce an opinion thereon. These resolutions had relation to the proceedings of the Poor Law Commissioners; and he had been induced to give notice of his intention to move those resolutions entirely from the evidence which had been brought before the District Asylums' Committee, of which he was a member, with respect to those proceedings; but, as the right hon. Secretary for the Home Department had stated that it was not the intention of the Government to allow the district asylums to proceed until the Government should have had time to consider the subject, and form an opinion thereon, it would not suit his (Mr. Hume's) purpose to proceed with the first eight of his resolutions. But, with regard to the last of his resolutions, which related more especially to the personal conduct and to the proceedings of the Commissioners, and which referred to charges against them of a very grave nature, he considered that the subject of it was so important that he should be justified in offering to the House some remarks upon it. But he did so with reluctance: he had been a warm advocate of the amended Poor Law, considering that if carried out on sound principles it was adapted to produce great good to the country; but he should not do his duty if he neglected to remark on the facts which had been developed on evidence before the District Asylums' Committee. He did not mean, at present, to refer to what had passed before the Andover Committee, because it was sufficient for his purpose to state some of the results of the evidence brought before the District Asylums' Committee; and that evidence was demonstrative, to his mind, that the Poor Law had not been properly carried out. Now this was a very grave charge; for Parliament having determined to intrust to the Commission what had often been called unconstitutional powers—powers that had never been given by the Legislature to any other body of men—powers that had always hitherto been exercised by the two Houses of Parliament, and which had only been granted on the last necessity, and to prevent the evil that then threatened to pauperize the whole of the working classes—he, among others, then agreed to give to the Commission its extraordinary powers as the only means of preventing so great an evil. But then the House had determined, when the change in the law was under discussion, that it was expedient to give these powers to a board, in order to prevent any person solely and singly from exercising the whole of the powers given by the amended law. Parliament had resolved that everything done by the Commission should be done by a board. Now, the evidence before the District Asylums' Committee, and indeed the evidence already on the Table of the House, proved satisfactorily that the law had been in some particulars utterly annulled by the Commissioners; for it was made out that the Commissioners were in the habit of sitting in their private rooms, and of acting without consulting with one another, and without sitting as a board, so that their proceedings had been carried on without any check from one or the other. It was on that ground, therefore, that he held that the Commissioners had grievously violated the law, and there was this further ground—for by Clause 4 of the Poor Law Amendment Act it was provided—

> "That the Commissioners shall make the record of their proceedings, in which shall be entered in writing a reference to every letter received, whence, its date, the date of its reception, and the subject to which it relates, and a minute of every letter written or order given by the said Commissioners, whether in answer to such letter received, or otherwise, with the date of the same, and a minute of the opinion of each of the members of the Board of Commissioners, in case they should finally differ in opinion upon any order to be given, or other proceeding of the Board; and such record shall be submitted to one of His Majesty's Principal Secretaries of State once in every year, or as often as he shall require the same."

The last enactment was framed with a view that the record should be submitted to Parliament. Those were the safeguards that Parliament had set up against the undue exercise of the powers confided to the Board of Commissioners; but all these safeguards had been completely removed by the conduct of the Commissioners. It appeared in evidence, that from the year 1841 no secretary had sat at the board. The minutes had never been properly kept; but the minutes had been made on separate pieces of paper, and these at the end of the year had been bound up together into what they called a volume. Then at the meetings of the boards no minutes of their proceedings at the previous board had ever been read, as was the practice of all other public boards; and he therefore, upon the whole, was conscientiously of opinion that the Commissioners had acted illegally, and were acting illegally, and that there was the greatest possible danger in allowing them to go on in the same course. When he recollected that he was one of those who supported the formation of a board, being at that time a Member for a populous county, and that no man had been more violently assailed than he had been for having given that support to this law, which had ever since been thrown up against him by those who wished to attack him, it being known that he had all along supported the Commissioners, he confessed that he had been deceived, and that the checks that had been devised by Parliament, and the control which he thought Parliament had established over the conduct of the Commissioners, were of no avail. In the Third Annual Report of the Commissioners submitted to the House in 1837, the following regulation appeared as having been made with reference to the Hatfield Union by the Poor Law Commissioners in that year:—

> "Every destitute person who shall present any such ticket to the master of the workhouse shall by the said master be received as casual poor; and after a compliance with the workhouse regulations, provided for the admission of destitute persons, shall, if he or she be able-bodied or partially disabled, be set on such work as may be provided for the able-bodied or the partially disabled."

He quoted this to show the principles on which the Board had acted with reference to the question of admission to the workhouse:—

> "After such person shall have performed a task of work proportioned to his or her capacity, he or she shall receive such a meal of food as is provided to be given to the regular paupers, inmates of the workhouse; and thenceforth, on the performance of the prescribed work, shall receive the same diet and be subject to the same discipline as the other paupers of the workhouse."

After having done the work, therefore, the pauper was to receive the same diet as the other able-bodied paupers in the workhouse. These regulations did, he contended, contain the true principles of the amended Poor Law, and the test that was meant to be established by it. That test was the capability of working, and that was the test that was established by the Poor Law Amendment Act of the 4th and 5th of William IV. Now the acts of the Commissioners had set at nought all these resolutions. They, as the Committee he had mentioned had decided, had systematically set at nought all these resolutions, because they had issued orders that any pauper presenting himself at the workhouse should have food. Now what was the bad effect of such a rule, sufficiently appeared by the great increase in the number of vagrants which had taken place of late. In England and Wales the number of wandering poor or paupers and vagrants in the whole 480 unions was in 1841, 43,000; in 1842, 78,000; in 1843, 112,000; in 1844, 118,000; in 1845, 116,000, leaving out the odd numbers. Now that statement showed that the number of vagrants had trebled pretty nearly since 1841; and how could it be otherwise than trebled when the Poor Law Commissioners issued orders in 1838 and 1839, that all persons applying for relief at a workhouse should have it, although no work was provided for the able-bodied mendicants? He took upon himself to state to the House that if the law had been carried out, it would have been signally successful. It appeared that it would have been so by the results of the instances in which it had been carried out. At the workhouse of St. Saviour's, Southwark, Mr. Hall had stated that for the three weeks before the labour test was applied, 11,111 vagrants were admitted; but in the three weeks after they were reduced to 776. With the test of labour to contend with, the vagrants, it seemed, did not choose to return to the workhouse; and that proved most completely the correctness of the Report of the Commissioners of Inquiry as far as regarded this part of the subject. In the parish of Marylebone, in 1834, they had been pestered with applications for admission to the workhouse on the part of vagrants. What was the effect of the labour test in the workhouse? They had been accustomed to receive as many as 900 applications in one week; but when they applied the test of labour no more than ninety applied—all the rest disappeared. Now, all the evidence that had been lately collected proved that this application of the labour test had been systematically neglected by the Poor Law Commissioners; that they had deceived Parliament and the public, and brought the Poor Law into discredit in the eyes of the nation. That being the case, he thought it was deserving of the serious attention of the Government whether such proceedings should be any longer tolerated. This mode of proceeding of the Commissioners had been the origin of the District Asylums' Committee, of which he was a member; for the Commissioners having deceived Parliament and the Government, the late Government brought in a Bill for establishing such district asylums. He, as a member of the vestry of Marylebone, had represented to the late Government that they had, in the workhouse of the parish, ample provision for the casual poor, and that to establish these asylums would only be to encourage begging, and that the result would be that they would have persons begging all day, and coming home at night to a warm room, and to food, and that next day they would sally out to plunder the public afresh. Except in the city of London, where there were no workhouses suited to the reception of casual poor, the poor of the several parishes being usually farmed out two or three miles from town, there was in the workhouses within the metropolitan police district ample accommodation for the reception of as many mendicants as would apply. According to returns from the metropolitan parishes in 1845, it appeared that there was workhouse accommodation in the unions for 22,186 paupers; but the greatest number of persons that actually applied in that year was 19,577, leaving vacancies for 2,609 persons more than had been filled up. With this information before them, the Poor Law Commissioners could not have recommended the establishment of district asylums; and this information they might have had if they had inquired, which they never had done. There was not a single minute to show the grounds on which they had made that recommendation. Yet they had recklessly and ignorantly recommended the late Government to establish a double set of workhouses. These were his complaints against the Poor Law Commissioners. Mr. Hall himself stated that he was the only assistant who had been employed to make any inquiries relating to the subject of these district asylums; and from his report itself it appeared that there was clear room in the metropolis for 1,000 more vagrants and casual poor than had been wanted. Mr. Hall said, that the greatest number applying for admission in any one night was 16,000, whereas there was room for 17,000; and yet the Commissioners would have district asylums erected. Towards the necessary expense of this, the parish of Marylebone was to be taxed at one-third of the whole amount, while it was only to have had one-eighth or one-ninth share of the management. The Commissioners would have taxed the parish at the rate of 10,000*l.* a year. The waste of money that would have taken place would have been intolerable. The first of the resolutions which he had intended to have submitted had been agreed to by the District Asylums' Committee, to the effect that the orders of the Commissioners of 1838 and 1839 had greatly increased vagrancy in the metropolis. He should mention one further circumstance with reference to this part of the subject. The police magistrates of the metropolis had not done their duty with respect to this class of offenders. Some of those magistrates—all except two—when men had been brought before them, who had been drinking in public houses, and remaining there till eleven o'clock at night, and had been taken into custody in the streets, did not do their duty as they ought. A great experiment had been made, and Parliament had entrusted the conducting of it to individuals who had violated that trust; and in saying so he was not excepting the First Commissioner—not Sir F. Lewis himself—they had all violated the trust reposed in them. It was with great pain that he brought the subject before the House; but hoping that Her Majesty's Ministers would be enabled to deal satisfactorily with the evil, he must say it was absolutely necessary that they should interfere if they meant the law to be carried out. They must do that in order to give confidence to those who managed the inferior departments under the law, or it would be much better to repeal the law. On these reasons, as the Government had not yet had time to go over the voluminous documents and evidence that bore upon the subject, he would only ask, that during the recess they would see that proper regulations were carried out. Those who were adverse to the New Poor Law rejoiced at the maladministration of its provisions, as furnishing arguments against the principle of the law. That was not his feeling. He thought that they ought not to confound the effects of maladministration with defects in the principle of the law. For the reasons he had given, he should conclude by moving only his last Resolution:—

"That Her Majesty will be graciously pleased to cause a special public inquiry to be made into the facts above recited and referred to in the evidence before the House, to ascertain whether the Commissioners, by their letters, instructions, and proceedings, and by their omission to direct the means for setting the able-bodied mendicants to work, did encourage and increase mendicity; and also whether the proceedings of the Commissioners generally have been culpably irregular or illegal; and if it shall appear that the Commissioners have so acted, or have by their culpable defaults occasioned the mischief complained of, that Her Majesty will be graciously pleased to take into Her consideration the certainty of dismissal of inferior officers when they have infringed the law or the rules laid down for their guidance; and that She will be pleased to direct that evenhanded justice be done to these superior officers, who have had, as is expressed by the Commission of Inquiry, 'the immediate advantage of well-defined objects assigned to them, powerful means at their disposal, and clear rules for their guidance.'"

Sir G. GREY said, that the hon. Gentleman would bear him out, he was sure, in stating that on his (Sir G. Grey's) having represented to the hon. Gentleman that at that late period of the Session, and as the Report of the Andover Committee was not yet printed, it would not be practicable to go into the subject of his resolutions, the hon. Gentleman had given him in private a distinct assurance that he should not move his Resolution this Session. Considering the importance of the subject, and the importance also of examining the evidence given before the Andover Union Workhouse Committee, and the District Asylums' Committee, he thought it was the duty of Her Majesty's Government to give the most deliberate attention to the whole subject. Under the impression, then, that the hon. Gentleman had given him a distinct pledge that he should not move his resolutions this Session, he (Sir G. Grey) should not go further into the subject.

Mr. HUME observed that, consistently with the rules of the House, he should not have been able to make any observations unless he were about to end by a Motion; but he had no intention to press any of his resolutions.

Motion withdrawn.

DISTRESS IN MAYO.

On the Motion that the Order of the Day be read,

Mr. D. BROWNE rose to call the attention of the House to the state of distress in the county of Mayo. He stated that Mayo was the poorest county in Ireland; that it contained between 3,000 and 4,000 of the most wretched peasantry on the face of creation; that the greater number of the proprietors were absentees; and that every alternate year hundreds of the people were suffering under the pangs of hunger and the extremity of want. The accounts he had received from Mayo at this moment were of a most alarming character. If the facts which had reached him were true—and he had no reason to doubt their truth—the peace of society in that county was in imminent danger, not merely on account of the famine, but on account of the rashness to which the people might be precipitated from the pressure of despair. He had on a former occasion declared himself opposed to the principle of making the people of Ireland dependent upon the people of this country; but the facts which he was about to detail to the House would show the urgent necessity which existed for taking the most immediate steps for the purpose of meeting the calamity; otherwise, as he had said, the peace of society would be endangered. The information which he had received from Castlebar, Kilmain, and other parts of the county, represented that the potato crop had not merely failed, but that potatoes had almost completely disappeared; and that, consequently, those persons who were dependent for their subsistence upon that root, had not at the present moment a morsel to eat. There were no fewer than 42,000 persons in Mayo who were in a state of destitution. 22,000 of these had recently been employed by the local relief committees —leaving, however, 20,000 still without a single particle of any kind of food. He hoped he should not appeal in vain to English Gentlemen to urge upon the Government to take more immediate steps than could be taken under their own propositions to relieve the imminent distress in the county of Mayo. The last Administration had done well: they had excited towards them the gratitude of the people of Ireland; and he hoped the present Government would imitate their good example. He did not wish, by telling the House that the peace of society was endangered, to use any exciting language—he did not wish to make an inflammatory speech which would be carried elsewhere; but he conceived it to be his duty, as representative of the county of Mayo, to state the real facts of the case. He knew that the priesthood would do all in their power to preserve the public peace; but there were circumstances under which reason was unavailing —under which reason abandoned the unfortunate sufferers, and under which the law of nature became stronger than the law of the country or any other human obligations. The noble Member for Lynn had asked him two questions which some other Members might be disposed to put, namely, why the present harvest did not supply the people with labour and the means of existence?—or if it could not do so, why the people did not come to this country for work as usual? With respect to the first question, he begged to say, that the employment arising from the harvest in Mayo, and, indeed, in Ireland generally, was perfectly inadequate for the purpose; and with respect to the second question, his answer was, that formerly, when the people came to this country to the harvest, they were able to leave their families some provision till their return; but they were unable to do so at present. The hon. Member concluded by saying, that he was anxious to promote the best understanding between the people of this country and the people of Ireland; that the party to which he belonged, in the exercise of their capacity as Repealers, were anxious—if this country by proper legislation would allow them—to prove the identity of interests between the two countries; they were anxious to prove that mutual dependence, that reciprocal benefits, and above all, that equal and just laws, would best advance the prosperity and happiness of both countries.

The O'CONOR DON said, that the attention of the Government had been fully awakened to the subject, and that they were devising means by which the people would be enabled to get over the immediate pressure of the distress, so that measures might ultimately be adopted to improve their condition.

Mr. LABOUCHERE admitted the general truth of the pictures that were drawn of the distress existing in Ireland, although he believed that some of the details were exaggerated. The failure of the potato crop was this year much more extensive than it was last, and Ireland was therefore in a situation of peculiar difficulty. He could assure the House that the fullest attention of the Government would be given to the subject during the recess, after which assurance he trusted that he would not be expected to enter into details. The county of Mayo was at present, he believed, one of the most distressed parts of Ireland; and he feared the visitation with which the country was afflicted had fallen more heavily there than elsewhere. Still, however, some of the statements were, he believed, in some degree exaggerated. He was glad to find by the accounts from the markets there, that at Westport, lately, Indian meal was selling at less than 1*d.* per lb.; thirty tons were sold there recently at that price. Potatoes, also, were selling at 1½*d.* and 2*d.* per stone, though he admitted that they had been forced on the market because of their diseased state. It might, however, be said, that it was of no use provisions being cheap, if the people had not the means to buy them. That was very true; but, at the same time, he did not see how the present condition of the people in that respect was to be altered, unless there was a very cordial co-operation on the part of the landed gentry with the Government. He trusted that that co-operation would be afforded, and that those who were the natural guardians and protectors of the people would come forward on the occasion. Every means would be adopted by the Government to provide employment for the people, particularly in the county of Mayo. Colonel Jones, the head of the Board of Works in Ireland, having been recently in London, had been spoken to on the subject. In answer to inquiries, Colonel Jones wrote, on the 24th, the following letter:—

> "London, August 24, 1840.
>
> "Sir—In reply to your inquiries as to the employment of the distressed poor in the county of Mayo, I have the honour to state that on Monday last at Bellina I gave personal instructions to Mr. Brett, the county surveyor, not to stop any works where employment to afford relief was necessary, and moreover that he should put men upon additional works that might have been applied for at the special baronial sessions, and not commenced; and I left him with the full impression, that acting upon the orders I then gave him, he had full authority to afford employment to all those who might require it, until the measures to be adopted by Government should be known. I may also state that memorials were then under inspection, and I have no doubt have been reported upon ere this. As I leave London for Dublin by this night's train, the state of Mayo shall be immediately inquired into by me on my arrival there.—I have the honour to be, Sir, your obedient servant,
>
> "Harry D. Jones.
>
> "To the Right Hon. H. Labouchere."

He had already informed the House on a former occasion, that there was every reason to believe that the supply of grain, through the exertions of private individuals, would be sufficient for the markets. Except in some very extraordinary case of necessity, the Government would not interfere with either the wholesale or the retail trader. His attention having been called to the condition of the barony of Kinsale and the parts adjacent in the county of Cork, he had by that night's post written to Dublin, calling the especial attention of the authorities to the subject. And with respect to the great question, he could only repeat that the attention of the Government and of the Lord Lieutenant would be given incessantly to the state of the people of Ireland; and he hoped that with the active co-operation of the landlords they would be able greatly to mitigate the evils which threatened them. He could not help adding, that all the accounts he had received showed that the people had exhibited the greatest patience under these trying circumstances; and that the clergy, both Roman Catholic and Protestant, had done their best to promote peace and to check the spirit of exaggeration, and that tendency to panic which were calculated so much to aggravate existing evils.

Order of the Day read.

SMALL DEBTS BILL.

On the Motion that the Small Debts Bill be read a Third Time,

Mr. WARBURTON complained of the restriction of the judicial appointments to barristers at law. A clause ought to have been introduced, declaring that the judges should have no right to compensation if they were hereafter to be entirely prohibited from practising as barristers. If it was now too late to introduce a clause, the House ought at least to receive the most complete assurance from the Government that no such claim would be admitted.

Sir G. GREY was quite willing to give the most distinct assurance, that the exclusion of the judges from practising as barristers hereafter could not be acknowledged as giving any claim to compensation. The Lord Chancellor thought it exceedingly improbable that those gentlemen could have extensive practice; and would no doubt be disposed distinctly to intimate that the extended restriction on practice would not be allowed to constitute any claim to compensation.

Bill read a Third Time and passed.

House adjourned at a quarter past Three o'clock.

HOUSE OF LORDS,

Wednesday, August 26, 1846.

Minutes.] Public Bills.—2^{a}. District Lunatic Asylums (Ireland); Pawnbrokers.

3^{a}. and passed. Railway Commissioners; Poor Employment (Ireland); Consolidated Fund (Appropriation); Public Works (Ireland) (No. 4); Public Works (Ireland) (No. 5); Constabulary (Ireland); Leases (Ireland); Private Bills; New Zealand Government; Ejectments, etc. (Ireland).

Received the Royal Assent. Spirit Licenses, etc. Duties; Income Tax Deduction; Ecclesiastical Patronage; Tithe Amendment Act; Naval and Military Departments; Patent Commissions; Poor Removal; Baths and Washhouses; Burial Service (No. 2); Death by Accidents Compensation; Commons Inclosure (No. 3); Commons Inclosure Act Amendment; Public Works and Fisheries; Public Works, Fisheries, etc.; Lunatic Asylums and Pauper Lunatics; House of Commons Offices; Naval Medical Supplemental Fund Society; Marriages (Ireland) Act Amendment; Lunatic Asylums (Ireland); Exclusive Privilege of Trading Abolition (Ireland); County Works Presentments (Ireland) (No. 2); County Works Presentments (Ireland) Amendment; Turnpike Roads (Ireland) Public Works (Ireland) (No. 3); Public Works Commissioners (Ireland); Baths and Washhouses (Ireland); Joint Stock Banks (Scotland and Ireland); Citations (Scotland); New Zealand Loan Act Amendment.

Petitions Presented. From Master Pawnbrokers of Saint Giles's, and several other places, in favour of the Pawnbrokers Bill. — From Owners and Occupiers of Houses in Tiverton, against any Measure for rendering the Owners of Small Tenements liable to the Poor Rates. in lieu of the Occupiers.

CONSTABULARY (IRELAND) BILL.

On the Motion of the Earl of CLARENDON the Constabulary (Ireland) Blll was read a Third Time and passed.

The following Protest against the Third Reading of the Irish Constabulary Bill was entered on the Journals:—

Dissentient—

1. Because a transfer to the State of that portion of constabulary charge now borne by the real property of Ireland, is a relief rather to the owners of land than to those classes who, under existing circumstances, are the most entitled to the sympathy and the assistance of Parliament.

2. Because the relief thus proposed to be given to landowners, amounting as it does to somewhat less than 1*l.* on every 100 acres of the superficial contents of Ireland, will be unproductive of any material benefit to them, whilst it entails on the State a loss of 180,000*l.* annually.

3. Because the repeal of this local tax is in its operation contrary to all justice and sound principle, acting as a measure of relief in proportion to the turbulence of the several counties; conferring the greatest benefit where disturbance and crime have most prevailed, and the least benefit where peace and order have been maintained, and where the laws have been respected and obeyed.

4. Because the amount of national revenue thus wasted, if wisely appropriated in aid of the industry of the people, and for the development of the national resources, would have raised the wages of labour, improved the condition of the labourer, advanced the general interests of Ireland, and have ultimately flowed back to the Exchequer in the shape of increased revenue.

5. Because, at a period of great emergency like the present, when the majority of the Irish people are deprived of their usual means of subsistence, the sacrifice for the benefit of the richer classes of an annual sum representing a capital of 5,000,000*l.*, whilst 50,000*l.* only are appropriated for grants in aid of national industry, is wholly unjustifiable, and therefore is but ill calculated to recommend the Imperial Legislature to confidence and respect.

6. Because the withdrawal of the constabulary from all local authority, makes an unconstitutional change in the character of that force; rendering it less a body of civil constables than an organized militia, irresponsible to the magistrates, without being made amenable to military law.

7. Because the repeal of this local change must, in justice to Great Britain, lead to a much wider application of the same principle, in respect to all other analogous burdens; a public provision for new and undefined expenditure being thus rendered necessary, at a period, too, when there is but too much reason to apprehend the perpetuation in time of peace of the existing tax upon property.

Monteagle, of Brandon.

HOUSE OF COMMONS,

Wednesday, August 26, 1846.

Minutes.] Petitions Presented. By Lord Harry Vane, from Chemists and Druggists residing at Hartlepool, in the County of Durham, praying that the Spirit Licenses and Duties Bill may pass into a Law.—By Sir George Grey, from Ratepayers of the Parish of St. Mary, in the Town and County of Southampton, in Vestry assembled, in favour of the Baths and Washhouses Bill.—From Inhabitants of Southampton, praying for the Total Abolition of the Punishment of Flogging in the Army and Navy.—By Mr. Dillon Browne, from Householders, Workmen, and Inhabitants of and in the Vicinity of Smithfield, and by Mr. Charles Russell, from Wholesale and Retail Dealers, Householders, and Inhabitants of and in the Vicinity of Middlesex Hospital, Cavendish Square, praying the House to adopt Measures for Redeeming and Extinguishing the Tolls upon Waterloo, Southwark, and Vauxhall Bridges.

TRADE WITH TURKEY.

Dr. BOWRING wished to put a question to the noble Secretary for Foreign Affairs, which was deeply interesting to our merchants trading to the Levant. The English had hitherto been in a condition in Turkey with respect to commercial advantages which contrasted very unfavourably with the condition of Russian traders thither, who had a less amount of export and import duties to pay than British merchants. As he had heard a Treaty had been signed between Russia and Turkey, the effect of which would be to place our merchants in that country on an equal footing with merchants from Russia, he wished to know whether there was any foundation for the report he had heard.

Viscount PALMERSTON said, it was quite true, that Russian subjects, trading to Turkey, did, in virtue of a Treaty between Russia and Turkey, enjoy advantages in respect of their trade with Turkey which were not equally possessed by British subjects, merchants to Turkey; and it was true also, that recently the Russian Government, acting, he must say, in a most liberal spirit, and acting on a policy which was not only generous, but wise, did consent to forego these advantages, and that the Turkish Government should place British subjects upon different terms from what they had been. The Treaty, however, had not been concluded, he believed; he had not had time to look among the Papers in the office that morning, and, speaking only from recollection, he was not, he believed, in a condition to lay on the Table any Papers relating to the subject; but he must say, that he was glad of this most substantial and convincing proof of the desire of the Russian Government to place its commerce on a footing that should be satisfactory to other parties, and honourable to the Government itself; and he had no doubt that the results would be at once advantageous to the merchants and creditable to that Government.

THE HAYDOCK LODGE LUNATIC ASYLUM.

Mr. WAKLEY: Sir, in bringing forward the Motion of which I have given notice for some time back, I cannot but express my regret that the noble Lord the Member for Totness (Lord Seymour) is not in his place. The noble Lord had ample notice that the subject would be entered upon; he is acquainted with the facts of the case; and I regret his absence the more, because I am sorry to say that in bringing those facts before the House, I shall have to notice in no very favourable manner the conduct of the Poor Law Commission, and of the Lunacy Commission. Nor shall I have to speak in very favourable terms of certain Boards of Guardians. There are many parties implicated. It is my misfortune to have to deal with many persons; but it is their fault. I regret that I am compelled to bring such a case before the House. In order to make the case as clear and as full as possible, I wish to advert to the circumstances which occurred in the first instance in this House. The subject of the Motion which I am now about to submit to the House was first brought under the notice of Parliament on the 12th of June last, in a petition which was presented to the House, by the hon. Member for Anglesea. That petition was printed with the Votes on the 13th of June. In that petition there is a great variety of allegations. The first to which I shall refer is this:—

> "That between two and three years a lunatic asylum was established at Haydock Lodge, near Newton in the Willows, in the county of Lancaster, and that the management of this asylum was placed under the control of Mr. Mott. That if the information which your petitioner has lately received is true, this asylum was established as a joint speculation by parties directly and officially connected with the Poor Law Commission, and that Mr. Mott, the resident manager, was an ex-Assistant Poor Law Commissioner. That the advantages said to be afforded by this establishment were successfully urged by influential magistrates as a reason why the counties of Anglesea and Carnarvon should not join the counties of Denbigh and Flint in providing a suitable asylum for lunatics, in which Welsh patients, afflicted with insanity, might obtain the comforts and the remedial treatment that could not be afforded them in an English establishment. That in consequence of this patronage and recommendation, a great number of insane persons have from time to time been sent to Haydock Lodge from various parts of the principality of Wales, on the recommendation as well of your petitioner as of other medical practitioners."

The petitioner goes on to say—

> "That at Mr. Mott's request, your petitioner engaged two respectable Welsh women, who went as nurses to Haydock Lodge."

The object of engaging Welsh women was to supply the unfortunate inmates with nurses who could speak the Welsh language. These nurses, however, were very soon dismissed; and the petitioner states that "there were no medical officers connected with the establishment conversant with the Welsh language, and that several of the patients were not only shamefully neglected, but treated with great cruelty." The petitioner then particularly adverts to the case of a person named Richards, who was sent to the asylum at his recommendation; after which he goes on to say—

> "That in pursuing his inquiries with reference to the Rev. Mr. Richards' case, your petitioner obtained what he considers to be clear and trustworthy testimony that many others of the unfortunate inmates of Haydock Lodge Asylum had experienced the same shameful neglect, and the same wanton and heartless cruelty. That your petitioner has been informed by disinterested parties, who had opportunities of knowing the fact, that the number of deaths in the Haydock Lodge establishment has been disproportionably great. That no fewer than five bodies have been lying in the dead-house at one time. That one of those bodies was that of an individual whose name the informants of your petitioner did not know. That this individual had been found dead at 5 o'clock in the morning, after, as was alleged, having been cruelly used by one of the keepers on the night but one preceding, and that the body was buried without even the formality of an inquest. That, in the opinion of your petitioner, it is highly improper and impolitic that either the Poor Law Commissioners, or any parties officially connected with them, or officially employed by them, should be allowed to become proprietors of any establishment for the reception of pauper lunatics."

The petitioner finally prays that the House—

> "Will be pleased to institute an inquiry with respect to the asylums provided for Welsh insane persons, and especially with respect to the treatment to which such persons have been subjected, in reference not only to their physical comforts, but also to the means adopted for their restoration to the use and enjoyment of their mental faculties. Secondly, that the House will be pleased to take into consideration the propriety of enacting that a coroner's inquest shall be held, or that an investigation shall be instituted, before some competent and responsible tribunal, touching the deaths of such individuals afflicted with insanity as may die while inmates of any lunatic asylum. Thirdly, that the House will be pleased

to cause a specific inquiry to be made as to the deaths which have taken place at Haydock Lodge Asylum, from time to time, since its first establishment; and, fourthly, that the House will be pleased to take measures for preventing either Poor Law Commissioners, or persons officially connected with that body, or officially employed by it, from being proprietors of any asylum for the reception of pauper lunatics, and from having a beneficial interest in any such establishment."

In consequence of the presentation of this petition, and the allegations which it contained, the Secretary of State for the Home Department addressed a letter immediately to the Poor Law Commissioners. In that letter there were questions asked of a very pertinent character, and which clearly denoted that the right hon. Gentleman was totally ignorant of what was going on at Haydock Lodge Asylum; but the nature of the questions plainly indicated that he was desirous of ascertaining the truth, neither more nor less. It was a letter in short highly becoming the office which he held. In order that the House may clearly understand the case, I am compelled to read some of this letter. It is written by Mr. Phillips, the Under Secretary, and proceeds—

> "I am directed by Secretary Sir James Graham to transmit to you the enclosed copy of the petition of Mr. Owen Owen Roberts, of Bangor, to the House of Commons, relative to the treatment of lunatics at Haydock Lodge, in the county of Lancaster. It is stated in this petition that the management of this asylum was placed under the control of Mr. Mott; and that the asylum was established, as a joint speculation, by parties directly and officially connected with the Poor Law Commission, and that Mr. Mott, the resident manager, was an ex-Assistant Poor Law Commissioner. Sir James Graham directs me to request you to inform him whether the Commissioners had any knowledge of the fact of Mr. Mott having the management of the asylum, or whether the Commissioners have known that any persons officially connected with them, or officially employed by them, have been proprietors of any asylum for the reception of pauper lunatics, or beneficially interested in any such establishment."

This letter is dated the 13th of June. In three days afterwards, a reply was sent from the Poor Law Commissioners' Office, signed by Mr. Lumley, assistant secretary. It is curious to observe in this letter, that when recapitulating the allegations contained in the petition, the words "beneficial interest in any such establishment" are carefully omitted; and, consequently, that that portion of the question remains entirely unanswered. The reply says—

> "I am directed by the Poor Law Commissioners to acknowledge the receipt of your letter of the 13th inst., transmitting to them, by direction of Secretary Sir James Graham, a copy of the petition of Mr. O. O. Roberts of Bangor, to the House of Commons, relative to the treatment of lunatics in the asylum at Haydock Lodge, in the county of Lancaster; in which petition it is stated, that the management of the asylum was placed under the control of Mr. Mott; that the asylum was established as a joint speculation by parties directly and officially connected with the Poor Law Commission, and that Mr. Mott, the resident manager, was an Assistant Poor Law Commissioner."

You will observe that Mr. Mott is here spoken of as an "Assistant Poor Law Commissioner." Now, Sir J. Graham's letter did not allege that when Mr. Mott was connected with the asylum he was an Assistant Poor Law Commissioner, but an "ex-Assistant Commissioner." The object of the Poor Law Commissioners in using that phrase will be apparent upon a further examination of this document:—

> "You submit to the Commissioners some inquiries with reference to the allegations contained in the petition, and request that the Commissioners will supply Sir James Graham with such information thereon as the Commissioners may be able to communicate to him. In reply, I am to acquaint you, for the information of Sir James Graham, that Mr. Mott is no longer an Assistant Poor Law Commissioner [Sir James had not said he was], and has not been since the 31st of December, 1842; at which time the lunatic asylum at Haydock Lodge had not, as the Commissioners believe, been established. The Commissioners were aware that Mr. Mott was superintendent of the asylum at Haydock Lodge; but they did not conceive that, since the termination of Mr. Mott's connexion with the Commission as Assistant Commissioner, it was their duty to inquire into his employment in that capacity. The only person employed under their Commission who has any interest in Haydock Lodge is their assistant secretary, Mr. Coode."

Now, it is proved beyond a doubt that the very time this answer was sent, Mr. Mott was Poor Law auditor of the very district in which Haydock Lodge Asylum was situated, and at the same time superintendent of the asylum. But the inference which the right hon. Gentleman the Secretary of State for the Home Deparment, must necessarily have drawn from that reply is, that the only person connected with the Poor Law Commission who had anything to do with that asylum was Mr. Coode. It is impossible he could believe that there was a person connected with it acting in such a capacity as district auditor.

> "With respect to Mr. Coode's interest in it, the Commissioners refer Sir James Graham to the annexed copy of a minute relating to this subject, and to the steps which they took upon becoming informed of the nature of Mr. Coode's share in the transactions relating to the asylum in question."

Now, this letter is dated the 16th of June. The minute of the Poor Law Commissioners to which it refers for an answer is dated the 13th of June, the same date as Sir J. Graham's letter:—

> "Mr. Owen Stanley communicated to the Commissioners certain extracts from a petition of Mr. Roberts, which had been transmitted to him for presentation to the House of Commons, to the effect that a lunatic asylum at Haydock Lodge, in Lancashire, had been established as a joint speculation by parties directly and officially connected with the Poor Law Commission; that the proprietorship of an asylum for the reception of pauper lunatics by the Poor Law Commissioners, or persons officially connected with them, or officially employed by them, is improper and impolitic—[this is the declaration of the Poor Law Commissioners themselves]—and is directly calculated to deprive pauper lunatics of that protection which it is the especial duty of the Poor Law Commission, and all who are connected with it, to afford. The Commissioners had not been aware that Mr. Coode, one of their assistant secretaries, was owner or landlord of Haydock Lodge; but, in consequence of the allegations of this petition, they obtained from him a full statement of his interest in this establishment, particularly with reference to its actual occupation and management. It appeared from Mr. Coode's explanation, that his legal interest in the establishment is only that of a landlord; but, inasmuch as he stated that the actual lessee (in whose name the license is taken out) is a person nearly connected with him by blood, the Commissioners thought that the arrangement was, on the whole, not compatible with his office of assistant secretary."

The minute then goes to state that the Commissioners wished Mr. Coode to break the connexion which existed between him and Haydock Lodge Asylum; that he stated he could not do it; that there were certain obstacles in the way; that consequently he tendered his resignation as assistant secretary; that the Commissioners accepted his resignation; but that they did so with regret from a sense of his valuable services; and that no part of his conduct in relation to the matter which was within their knowledge could be considered as affecting his integrity. Now, it will be observed in this statement that Mr. Coode, on being questioned by the Commissioners, stated to them that he was only landlord of Haydock Lodge; that the lease was held by a relative of his—"a person nearly connected with him by blood;" and that the license was taken out in the name of that relative. It will be presently seen that in the examination of Mr. Coode before the Lunacy Commissioners, he stated that the license was taken out in his own name; that the auditor of a Poor Law union was the party to whom positively the license was granted. I beg that this will be remembered, because it is of importance. The Secretary of State for the Home Department seems to have been so struck with the nature of the allegations in the petition—regarding them to be of so astounding a character—that he not only addressed a letter to the Poor Law Commissioners, but he caused a communication to be addressed to the Commissioners in Lunacy; and in this communication Mr. Phillips states—

> "I am directed by Secretary Sir James Graham to transmit to you the enclosed petition of Mr. Owen Owen Roberts, of Bangor, to the House of Commons, relative to the treatment of lunatics in an asylum at Haydock Lodge, in the county of Lancaster. Reference is made in the enclosed paper to a correspondence which the petitioner had with the Commissioners in Lunacy, relative to the case of Mr. Richards, a lunatic, in which case an examination was made by the visiting justices at the request of the Commissioners. I am to request the Commissioners to transmit to Sir James Graham a full report of the proceedings in this case; and to inform Sir James Graham whether any of the Commissioners in person have made inquiry into the treatment of lunatics in the Haydock Lodge Asylum, and what information they received, and what directions they gave thereupon."

Now, it will be seen presently, that the Commissioners did make inquiry; but it will also be seen, that no facts disclosed at the inquiry could lead Sir J. Graham to believe that any person connected with the Poor Law Commission had a beneficial interest in Haydock Lodge. The answer of the Lunacy Commissioners was sent by Mr. Lutwidge, their secretary; but it was not sent until nine days after the date of Sir James Graham's letter, which, considering the contiguity of the offices, and the nature of the communication is, I think, rather an extraordinary circumstance. Their answer is as follows:—

> "I am directed by the Commissioners in Lunacy, in compliance with your letter of the 13th instant, to forward to you, for the information of Secretary Sir James Graham, the annexed statement, being a summary of the correspondence that has occurred between the Commissioners and certain persons relative to the charges made by Dr. O. O. Roberts against the Haydock Lodge Lunatic Asylum, showing the investigations that have been made in consequence thereof, so far as the same relate to the petition of Dr. O. O. Roberts, lately printed by order of the House of Commons."

Then here follows the statement referred to, which bears the form of a diary—various entries being made under different dates. The first date is the 24th of February, 1846, and the words are—

> "February 24, 1846.—On this day the Commissioners in Lunacy received from Dr. Lloyd Wil-

liams, of Denbigh, the particulars of a correspondence between himself and Dr. O. O. Roberts, of Bangor, relative to certain alleged acts of cruelty and mismanagement which Dr. Roberts stated to have taken place at the Haydock Lodge Asylum. These comprised (amongst some other matters) the charges now made by him in reference to the Rev. Evan Richards, and as to the general mismanagement of the asylum."

You will observe that this complaint about Mr. Richards was made on the 24th of February of the present year. I think, myself, that this is a case of very great importance, and which calls for very special inquiry. It involves the character of a great number of persons filling important public situations, including the Lunacy Commissioners, with six paid officers—a body well paid and newly appointed, and it is highly becoming that we should look to the manner in which they discharge their functions, because it is possible that they may fall into bad habits, and, instead of being a benefit to the public and a safeguard to the lunatics, they may be the very reverse, by lulling the public into a false security. The second entry is dated the 4th of March:—

"March 4.—The Haydock Lodge Asylum lies within the jurisdiction of certain justices of the county of Lancaster; to whom the inspection and control of the asylum more immediately belong; and therefore the Secretary of the Commissioners (they being unwilling to supersede the authority of the justices) transmitted on this day a copy of the correspondence received from Dr. Williams to the clerk of the visiting justices of Haydock Lodge, requesting, at the same time, that a full and early inquiry into the matter might take place."

The Commissioners seem very anxious about the inquiry on the 4th of March; but they had had the complaint in their possession eight days before they took any step. The following is the entry on the 5th of March:—

"March 5.—And on the following day the justices (who had previously arranged to be at Haydock Lodge for the purpose of making one of their ordinary visitations) visited the asylum, inspected the premises, and examined seven of the patients, who were sufficiently convalescent to give testimony on the subject. These examinations were transmitted to the Commissioners, and the result thereof is to show that Mr. Richards was a dirty and violent patient; and to acquit the keepers now in the asylum of any ill conduct either towards him or the other patients."

The following is the entry on the 17th of March:—

"March 17.—As the more pressing matters had apparently been investigated by the justices, the Commissioners did not feel it necessary to request them to visit the asylum again to pursue the minor inquiries."

Now, I deny that there are any minor inquiries. If there is anything wrong, it ought to be attended to immediately. There ought to be no such thing as minor inquiries. But what did the Commissioners do? They did not consider it necessary for the magistrates to continue the investigation any further, because the rest were minor inquiries; and they wrote to the clerk of the visiting justices, stating that it was not necessary at present to pursue the inquiry further. This explanation follows:—

"At this time it was arranged, that as two of the Commissioners were likely to visit Haydock Lodge shortly, in the ordinary course of their duty, some further inquiry should be made by them as to some other points to which the justices did not appear to have directed their attention." [Why, the justices had been written to that it was not necessary.] "The subjects requiring more immediate investigation had already been thus far inquired into; and it was considered more expedient not to interrupt the Commissioners in their ordinary duties, (which occupy all their time), but to allow the inquiry into the other charges to await their visitation to the asylum, which it was expected would take place in the ensuing month (April)."

Then follow two other entries:—

"March 22.—Dr. Williams wrote to the secretary, stating that Dr. Roberts was not satisfied with the investigation made by the justices, and had determined to petition Parliament on the subject, and requiring the return of the whole correspondence."

"March 24.—The secretary acknowledged Dr. Williams's last letter, adding, however, that in consequence of Dr. Roberts's desire to have the correspondence returned, he had directed a copy to be made for the purposes of the further inquiry intended to be made when the Commissioners next visited Haydock Lodge."

They were a very long time in visiting it; I think they received the complaint on the 24th of February, and this entry is dated the 24th of March. Then comes the entry of

"March 28.—The secretary, by the direction of the Board, returned the correspondence to Dr. Williams, informing him at the same time, that two Commissioners would shortly visit Haydock Lodge to inspect the establishment, and to continue the inquiry which the visiting justices had commenced.

"May 2.—The secretary wrote to Dr. Williams on this day, by direction of the Board, stating that two Commissioners would very shortly visit Haydock Lodge, and that they were desirous of receiving from him, or from Dr. Roberts, any information relative to the treatment of the patients or the management of the house, which they might think deserving of investigation. The secretary then proceeded to say, that the Commissioners thought it right that Dr. Williams should know that they had lately caused an inquiry to be instituted (through the local visitors) relative to Haydock Lodge, the result of which, it was understood, was, that Mr. Portus, the medical officer, and Mary Holden, one of the nurses, were about to be removed from the asylum.

"May 7.—The secretary wrote to Dr. Roberts, requesting him to supply them, first, with the names of all persons capable of giving direct and material evidence on the subject of the complaints relative to Haydock Lodge, and the facts to which they could testify; and, secondly, the names of any persons in the asylum (whether attendants, patients, or others) capable of giving information on the subject. The secretary at the same time informed Dr. Roberts that Mr. Portus and Mary Holden had ceased to form part of the Haydock Lodge establishment."

Mr. Portus, however, I am ready to prove by official documents, was not removed at this period, but was acting as medical attendant at Haydock Lodge Asylum on the 29th of June. The next entry is May 11. The Commissioners, you will observe, have not, up to this date, visited the asylum, of which they had received the complaints in February. I have a communication, indeed, stating that they had received the complaints before Christmas:—

"May 11.—On this day the Commissioners received a letter from Dr. Roberts, dated 10th of May, directing their attention amongst some other things, to the following points in Dr. Roberts's petition; viz., to the case of the Rev. Evan Richards; to the death of a man 'at five o'clock in the morning, after having been abused by a keeper, named Sam, on the preceding night;' to the five bodies stated to have been lying dead at the same time; and to the alleged fact of neglect and cruelty generally being practised in the asylum."

The next entry is the 14th of May, from which it appears that at this date four Commissioners left London for the purpose of investigating the complaints. Two Commissioners, one would have thought, were quite sufficient; but four were sent. This is the entry:—

"May 14.—On this day four of the Commissioners in Lunacy left London for the purpose of investigating the present condition of the Haydock Lodge establishment, and of making further inquiries into the charges brought forward by Dr. Roberts."

So it appears that it was considered necessary to send down no fewer than four out of the six Commissioners on this particular business.

"They commenced their inquiries on the assumption that the circumstances vouched for by his witnesses were true. They remained in the neighbourhood of Haydock three entire days; they saw every patient and every room in the establishment; they examined Mr. Mott, Mr. Portus, and five keepers (chiefly on oath); they interrogated many of the patients, and they separately and specially examined eighteen patients (of both sexes), who appeared to be the most capable of giving reliable testimony as to the matters inquired into, and of speaking as to the treatment they experienced and the general comfort and state of the asylum."

It seems that three of the Commissioners were required to be barristers, in order that their proceedings might always be regulated by good law. But what is the fact in this case? Why, that instead of examining the witnesses for the petitioner, they proceed on the assumption that the charge is established, and then call the accused parties and ask them whether it is true or not. They examined, it is said, eighteen patients. Now, I should be very glad to know by whom those patients were selected—whether by the Commissioners or by the superintendent, for that is a question most material to the inquiry. They appear, however, to entertain the opinion that the inquiry had been quite well conducted, for they soon after add—

"It is difficult to see what can be the object of further inquiry, or what more useful end can be obtained than the dismissal of the offending parties, and the general reform of the establishment."

I do think that the House will be prepared quite to agree in this conclusion. There is no case in which more rigorous punishment ought to be inflicted than where cruelty or misconduct occurs in lunatic asylums; and I hold that it is the duty of this House to watch with the most scrupulous anxiety those who have the insane under their care. [Sir G. GREY: The hon. Member has omitted to state that Mr. Portus had resigned.] I was coming to that. The passage is this—

"The condition of the Haydock Lodge Asylum was until the expiration of last year (1845), open to certain objections, which were commented on successively by the Commissioners and visiting justices; but the result of this investigation was to give the visiting Commissioners reason to think that the establishment was manifestly in an improved state, and that some of the charges made by Dr. Roberts were substantially negatived by the evidence that came before them, and that others were no longer applicable to the asylum in its present state. They found that Mr. Portus had resigned; that the two keepers inculpated, called 'Sam' and 'Touski' (the name of the latter being Saduski), had been discharged, and attendants of a better class and at higher salaries had been engaged; that the patients did not complain of ill treatment or of bad or insufficient food, and, in fact, that all who were examined concurred in stating that none of the patients (either themselves or others) were ill used by any of the attendants now employed in the asylum. The keeper 'Sam,' against whom there seems to have been some ground for accusation, was discharged on the 24th of April, 1845, and 'Saduski' on the 15th day of January, 1846."

Now here it is stated that at the time then referred to, that is to say, immediately after the 14th of May, Mr. Portus had resigned. I have, however, searched, this morning, the Registration Office, in which are the certificates of those present at the deaths of lunatics in the asylums, and I find the name of Mr. Portus to an attestation of the kind later than Midsummer—in fact, on the 27th of June. This is in direct contradiction to this paragraph, and to the provisions which state that Mr. Portus and Mary Holden had, on May the 7th, ceased to be members of the establishment of Haydock Lodge. Further on the Commissioners say—

> "The patient found dead at five o'clock in the morning was, it is conjectured, from the description in Dr. Roberts's letters, a large man of the name of George Rowe."

All persons dying in the asylum ought to be the subjects of an inquest. Nothing is so beneficial, in establishments of this kind, as the introduction of jurymen. They produce more good effect than all the public officers. They are men who can have no motive but to perform their duty, and I have always found them perform it with the most scrupulous attention. The statement continues—

> "He died on the 11th of July, 1844, nearly two years ago, and on a *post-mortem* examination (the particulars of which, as entered at the time in the *Medical Journal*, were laid before the Commissioners), it was found that he had died from a disease of the pleura. The alleged ill treatment is denied, and the inquiries made by the Commissioners failed to elicit any fact corroborative of Dr. Roberts's charge."

And then the Commissioners go on to make this extraordinary remark—

> "The propriety of inquests being held on all lunatic patients dying within the precincts of an asylum was discussed in the House of Commons during the passing of the present Acts, and negatived."

This is apparently said for the purpose of excusing the authorities for not having held inquests. What had a discussion in the House of Commons to do with altering the state of the law? The law desires that, when a man dies under doubtful or suspicious circumstances an inquest shall be held upon him; but the insertion of this passage appears to be with no other object than to deceive the late Home Secretary, as Sir J. Graham (if, indeed, he ever paid any attention to the subject) might have been led to infer that, from the subject having been so discussed, there was now no law requiring the holding of inquests in asylums. So much for this inquiry. It seems, however, that the complaining parties were not very well satisfied with it. No wonder. Dr. Roberts pursued his object. He was determined to have a satisfactory inquiry, and he presented his petition to the House of Commons. In consequence of the presentation of that petition, another inquiry was instituted by the Commissioners; but that was carried on in London, and instead of the witnesses being examined at Haydock Lodge, where they could have properly explained the case, they were summoned to New-street, Spring-gardens. This was an improper proceeding. Two of the Commissioners at least ought again to have gone down to Haydock Lodge. However, the result of this second inquiry was to show them how they had been deceived in the former one. It seems, however, that not one-half has come out, and that much more remains behind. In their Second Report, the Commissioners say—

> "Mr. Mott, the superintendent of the asylum, was also afterwards summoned to attend the Commissioners in London, with the view chiefly of their ascertaining what portion of his time and attention was devoted to objects unconnected with the asylum. Mr. Mott attended before the Commissioners on the 15th of July instant; and, in answer to their interrogatories, informed them, that he had been appointed, in the month of October, 1845, auditor of certain Poor-law unions."

How was he appointed? By the chairman of the board of guardians; and his appointment was confirmed by the Poor Law Commissioners. They, therefore, had full knowledge of the fact that Mr. Mott was the district auditor in 1845, while, at the same time, they were aware that he was superintendent of Haydock Lodge Asylum. I speak of them as the Poor Law Commissioners, for I do not know after what amount of discredit they will still retain their office. Perhaps they think to hang on by the skirts of the right hon. Gentleman the Home Secretary; but I can tell him that if he lets them do so, they will inevitably pull him down with them. Yes; he may be sure that down he must go. They are at present retaining office with a desperate tenacity, braving public opinion, and bidding defiance to the decision of a Committee of this House. It is now exactly twelve months since I first brought the Andover case before this House. This case appears to me to be still worse than that of the Andover Union—that is my firm conviction. To continue, however: Mr. Mott was appointed auditor in October, 1845, with a power infinitely greater than that of an Assistant Poor Law Commissioner; for he had not only the power of examining accounts, but also of striking out items, and there was no appeal from his decision except to the Poor Law Commissioners, or the Court of Queen's Bench. And yet, with all that power, he was also allowed to retain the right of collecting the unfortunate lunatics to his asylum, of inducing people to send them there, where he was to make money by feeding them. Can anything be more positively disgusting, or more offensive, in civilized society? Yet this Poor Law was called a system for benefiting the poor, and was allowed to spread its baneful influence over the length and breadth of the land. The statement goes on to say that Mr. Mott—

> "Commenced his duties regularly at the end of March last; and that finding the labours involved in that appointment inconsistent with his duties as superintendent of the Haydock Lodge Asylum, he had resigned the latter office in favour of Mr. Whelan (formerly steward of the Hanwell Asylum)."

Now, how was it that the Commissioners in Lunacy did not discover, on their visit to Haydock Lodge, in fact not until July, that Mr. Mott was at the same time auditor of the district, and superintendent of the Haydock Lodge Asylum? On the 14th of July, they examine Mr. Mott, for the purpose of obtaining from him information which they ought themselves to have obtained when on the spot some months before. This shows a neglect of the public business on the part of the Commission, which cannot be too much blamed. The real reason why it was found to be inconvenient for Mr. Mott to fill the two offices at the same time was, that there had been debates in Parliament, and petitions, and much discussion, which led him to resign in favour of Mr. Whelan, who, we are told, was formerly steward of the Hanwell Asylum. Now, I cannot understand how he could thus resign in favour of another, unless he was part owner of the establishment. Indeed, that appears to be the case; for Mr. Mott, in a subsequent part of his statement, adds, that he only continued to exercise the office till the license could be legally transferred into Whelan's name. This implies that the license was previously in his own name; and Mr. Coode stated that the license was in the name of a person nearly connected with him by blood. The connexion between Mr. Mott, as auditor of a district and superintendent of an asylum, and the Poor Law Commissioners, is also proved. I shall presently show what was done in a case where the relations between them were infinitely less close. The Report goes on to say—

> "The Commissioners feel it their duty, in reference to the case of the Rev. Evan Richards, to mention that the rev. gentleman was, in a manner which they think highly reprehensible, and without any notice being given to his friends, removed from the part of the asylum in which he was at first placed, and was believed by his wife to continue, and placed during the daytime among the pauper patients for some time previous to, and down to the period of his discharge."

It is admitted to have been highly reprehensible, and that the discovery arose out of a second investigation. They go on to say—

> "The Commissioners, from the evidence now adduced, entertain great doubts as to the efficiency of the supervision exercised by Mr. Mott over the Haydock Lodge establishment during the years 1844 and 1845."

Why, they ought to have known before July, 1846, that Mr. Mott's supervision in 1844 and 1845 at Haydock Lodge was inefficient. They add, however, that "as Mr. Mott has resigned his office, it seems unnecessary to do more than intimate this opinion." This is a very gentle way of dealing with a public delinquent. It seems to me that influence has everything to do with these cases. If a man has influence he gets on very well, whatever he may have done; but if he has not—if, for instance, he be a poor fellow in the Post Office, earning a few shillings a week—he is cast off without any prospect for the future. The Report goes on:—

> "It is proper to state, that a considerable portion of the testimony adduced on both sides was necessarily derived from persons who either are or have been lunatic patients in the Haydock Lodge Asylum."

This is always the language used where the unfortunate patients in a lunatic asylum are concerned. It is said of a witness, "Oh, poor fellow, half cracked!" and, "you cannot depend on what he says." Does not this, however, show that more vigilance ought to be exercised? In this case, it seems, there had been great negligence. There was no effort at control or supervision, and the unfortunate creatures were left at the mercy of the person who derived his income from their sufferings. Sir, I will now refer to the returns connected with this asylum. I have no hesitation in saying that they reflect more disgrace on the system than anything that occurred in the Andover Union. Here we have the assistant secretary owner of this asylum; the auditor of the district is superintendent of it. There are in it upwards of 400 pauper lunatics, and fifty private patients. Where do you suppose these paupers have been collected from? The fact is almost incredible, and if I had not the official return, I should scarcely dare to state it. These patients have been collected from twenty different counties in England and Wales; some from the Isle of Man, others from Anglesea, ten from the Eton Union, in Buckinghamshire; some from Carnarvonshire, and one from Halstead, in Essex. There are some from Leicestershire, some from Lincolnshire, some from Oxfordshire, some from Yorkshire, and absolutely some from the Rye Union, in Sussex. Why, Mr. Mott, in order to bring them up from Rye, used one one of the unions in London—the Holborn Union—as a sort of hotel for the accommodation of these lunatics. What he paid for them I know not; how they were conveyed, whether in wooden chests or in iron cages, I know not. They are sent away 200 or 300 miles from all their friends and relations, from the places where they are known, from the churchwardens and overseers whose duty it is to watch over their interests, from the medical officers on whose care they had a claim. It is one of the greatest violations of law which has ever fallen under my notice; it is an abandonment of every principle of humanity. Paupers are sent from Rye, in Sussex, from Oxfordshire and Leicestershire, from the Isle of Man and other quarters, and placed in an asylum which is conducted by officers directly connected with the Poor Law Commission. If I obtain a Commission of Inquiry, I shall prove what abuses have been committed. The head of that asylum was licensed in January, 1844. I have no account of the mortality in that year; but I am informed that it was frightful; so much so, that application was made for an enlargement of the churchyard. But, as regards the second year of the establishment, this astounding fact is disclosed by the official returns, that out of the average number of patients—that is 450—112 died in the course of 1845—one-fourth of the whole number in the course of a year. The experience of pauper lunatic establishments, nearly without exception, has proved, that in the first years of their establishment the mortality is slightest. But in the first years of this establishment what do we find? That the deaths amounted nearly to thirty per cent in the second year. The reason why the mortality is slighter in the generality of such establishments is, that paupers having been badly accommodated and fed in the workhouse, on being transferred to other places designed for their maintenance in comfort, are better fed, the rooms better ventilated, and the treatment is more kindly and generous, as well as the accommodation more ample, so that they live longer. After a few years the mortality begins to increase, and it does not reach a maximum till twenty-five or thirty years have elapsed. The mortality in the Retreat at York is four per cent. Here we have 148 persons dying within eighteen months; 112 perishing in the course of twelve months. A great many deaths are recorded as having taken place from debility and exhaustion. The catalogue is a frightful one. The ages are not given; but out of 112, only 9 had survived the horrors of that institution for more than twelve months, I am speaking from their own official document. This return is from their own books. The subject attracted no notice on the part of the Lunacy Commissioners. Why, they are in a state of lunacy themselves, and need a lunatic asylum for their own accommodation. Yet these gentlemen, who are so handsomely kept — who are paid their travelling charges, and entitled to their retiring allowances, could not discover that anything was going on wrong—with the greatest difficulty receiving information in February that cruelties were practised in Haydock Lodge, and not finding their way thither till the 14th of May. The very blush of suspicion—the very first whisper—ought to have induced them to activity and action. Out of 112, 2 died within two days after admission; 4 within eight days after admission. What is to be said of boards of guardians sending parties 50 or 250 miles from their parishes to this institution? What is to be said of the poor-law officers who took part in such proceedings? Yet, observe, the Poor Law Commission is a central office; its influence ramifies and radiates through the whole of England. Did they not know that those lunatics were sent to this place? They knew that their own officers had the conduct of the establishment. At Haydock Lodge, in 1845, 2 patients died within two days after their admission; 4, within eight days; 11, within fifteen days; 16, within three weeks; 21, within a month; 36, within two months; 43, within three months; 55, within four months; 62, within five months; 69, within six months; 85, within eight months; 94, within ten months; 103, within twelve months, after their admission: the remaining 9 only, out of the 112, had been in the asylum above a year. In the register of their deaths 18 are stated to have died from exhaustion, 20 from diarrhœa, 13 from general debility. All these might come under the same head, and be attributed to the same causes—insufficiency of diet, bad ventilation, and bad clothing. Then, 12 died of epilepsy, 17 of apoplexy. But how can you rely upon such statements?—how do we know that every one of them was not starved? If the parties are guilty of such acts as I think I have proved that they have committed, I think I cannot rely upon those returns. The right hon. Gentleman knows the returns of Mr. Portus proved false. Yet he who was represented as having resigned in May—as having left the establishment so many weeks ago, is proved to have entered a death on the register on the 27th of June. Haydock Lodge is surrounded by 228 acres of land; and an expectation was entertained that more would be got. It was worked by the strong lunatics. The sooner the feeble died off, the better for the establishment. If cripples or imbeciles—if lunatics possessed of no skill and of no physical power were sent to the asylum, the sooner they were under the turf the better for such an institution, because the chief profits are to be acquired by means of the labour of the strong lunatics. If a man is sent up from Rye, in Sussex, to this place, how, supposing he recovers his reason, is he to get back again? He is away from all his relations, from all his friends, from all his connexions. He is away from the place of his nativity. There is not a human bring to exercise towards him the slightest human sympathy. Is it not monstrous that such things should be going on in a civilized country, and in a country where so much is expended in charity, and where more is probably given in that shape than in any other country on the face of the globe? But is there not something pestiferous in a Poor Law which would give rise to these unprecedented enormities? There is, indeed, something in the whole system so odious and abominable, that it is revolting to all humane and generous feelings. Everything about it is stamped with the horrors of cruelty. It steels the hearts of men—it converts them into flint or granite. Rich people used formerly to feel it the greatest luxury when they had the opportunity of doing a humane act to any of their suffering fellow creatures; but, now-a-days, another principle is in vogue; they call it political economy; I call it the devil's economy. It seems as if we render the best service to society in exact proportion as we inflict injury on the poor. What has been the course taken by the heads of the Poor Law Commission? If they found a starving district, a starving diet was ordered in the workhouse, that is, four ounces of meat, and stuff called "gruel"—the very name of it is enough to make a man sick—half a pound of potatoes, seven ounces of bread, and an ounce of cheese; but in other districts, where other circumstances operate upon their minds, it will be found that the dietary which has been established is rich. In London, beer, and tea and sugar, are allowed. I don't complain of this being the case; but why is not the same course followed elsewhere? Here it cannot be done conveniently; here too much attention would be drawn to the subject, too much noise can be made about it; and they know that they could not resist the cry which would be raised against the attempt to perpetrate such cruelty. I have examined and compared many of the allowances in distant parishes. I don't believe that the allowances are half of those which are given in the house of correction. It is a disgrace to us all that such things should be permitted. I beseech the right hon. Gentleman to turn his attention to the subject. I implore him not only to institute an investigation, but to institute such an investigation as shall have the effect of sifting the whole matter to the bottom. It is a duty which we owe to those unfortunate persons who are exposed to this treatment to make inquiry. There is a farm of 230 acres attached to the asylum, which is cultivated by the lunatics received into this House; it is a profitable speculation; there is a good deal of ingenuity in Mr. Mott's reply to the question, if the pauper patients were in the habit of working on any farm, and to whom such farm belonged—that

> "There are extensive grounds occupied by the asylum, and used for the recreation and employment of the patients and for farming purposes; they are let on lease to Mr. George Coode, and by him let with Haydock Lodge for the use of the asylum."

But they expect to get 170 acres more: Mr. Thurnam, of the Retreat, in Yorkshire, has published a book on the subject of the treatment of lunatics, in which he says—

> "The mortality is generally more favourable during the early history of an asylum, and during the first twenty or even thirty years of its opera-

tion: as the proportion of recent cases increases, and as the old cases die off, it usually continues to undergo a material increase, which often amounts to 50 or 100 per cent upon the mortality of the first five years."

The same authority says on the subject of diet—

> "It appears to be now generally allowed that the insane, as a class, require a liberal and nutritious though simple diet. The mere change, indeed, on admission into a pauper asylum, from a scanty to a liberal diet, has in many cases appeared to effect a recovery without the employment of any more special means. I believe there can be no question that in institutions where the diet is liberal, the general health will be promoted; and that consequently in such institutions, other things being equal, the recoveries will be more numerous and the mortality lower than where the reverse obtains. Watery broths and soups, containing large quantities of peas or other flatulent vegetables, are seldom adapted to the wants of the insane; and their too liberal use in asylums, in connexion with an otherwise scanty diet, has been found to be connected with the prevalence of dysentery and diarrhœa."

What do we find stated in regard to this establishment, after it had been in existence a very considerable time? I hold in my hand extracts from the visitors' books; the first of these is dated the 15th of November, 1844, and states that—

> "The house and premises are in a clean state; but the visitors are of opinion that two wards of the epileptic patients stand greatly in need of further ventilation, and that the day-ward should be furnished with a stove for warming the apartment."

Why did not the visitors discover those things before—why did not the Lunacy Commissioners discover them? Surely, common sense and ordinary feelings of propriety would have led them, before the license was granted, to see that such a state of matters did not exist. But that discovery was made only after the institution had been for ten months in operation. The visitors, on the 15th of November, 1844, state that—

> "The refractory women's ward is in an offensive state, apparently from the near proximity to one of the privies, and it is suggested that this annoyance should be immediately remedied."

The institution had then been in existence eleven months. This was a statement signed by two magistrates, on the 29th of March, 1845:—

> "We recommend that increased attention be paid to the ventilation of the several bed-rooms which have been pointed out to the superintendent."

The mortality was then 28 per cent. The ventilation was then defective at that time. On September 27, we have the following statement:—

> "For the last few weeks the number of fatal cases of diarrhœa have been greater than at any previous period, and have been chiefly among the aged and debilitated. The visitors, therefore, suggest to Mr. Mott some addition to the diet table amongst this class of patients; and they further suggest the propriety of his adopting the recommendation of the Commissioners in Lunacy (April 21, 1845), 'that an allowance of beer to the pauper patients generally would form a beneficial addition to their present ordinary diet.'"

These poor creatures were incapable of resisting the influences which were then at work. The visitors therefore suggested to Mr. Mott some addition to the dietary. They did so in September, 1845, about sixty having died that year among the class of patients in question:—

> "We are glad to find that it is Mr. Mott's intention to provide a detached infirmary for the sick men, which we think a very necessary addition to the present establishment."

It was not adopted. These are extracts from the visitors' books: the signatures of the magistrates is affixed to these statements. The Lunacy Commissioners having recommended on the 21st of April that beer should be added to the diet, we find, on the 27th of September, that the recommendation had not been adopted. These persons, however, were allowed to retain their license. I am quite sure, on the recommendation of the Lunacy Commissioners, that measures would have been taken for depriving them of the license. I am sure it would have been done by the late Lord Chancellor. I am confident that the present Lord Chancellor would not be more negligent of his duty than his predecessor: both, I believe, would have shown the greatest promptitude in action had the withdrawal of the license been recommended. The addition recommended was suggested as a necessary addition; I think so, too, considering that fifty or sixty had already died. On November 4, 1845, we have the following report:—

> "The visitors of Haydock Lodge having this day visited the establishment, do report as follows:—There are now 444 patients in this house, viz.—

Private patients, males	20
Do., females	21
Pauper patients, males	194
Do., females	209
	444

> The patients in the different day rooms appeared to be languid and inactive, but probably somewhat might be attributed to the hour at which we saw them Still we are of opinion that some further means of exciting them to activity might be provided for them in the shape of bowls, skittles, or other games of a similar nature."

Carrying on such a large trade with so

many unions, they received parties from the north and from the south in such numbers, so as to keep up the stock of unfortunates. Something might be attributed to the hour at which the patients were seen; there was always some extraordinary palliation. Then the visitors were of opinion, that some further means of exciting the patients should be adopted by the introduction of bowls and skittles. They did not think of better food; it was singular that they did not. The patients might have been stimulated by better food; but I don't think that the stimulant of bowls and skittles, without the nutritious food, was likely to uphold their strength. Then they further stated—

> "With regard to the dietary, we have heard from the patients a general complaint of the bad quality of the potatoes."

I suppose it was the rot in the potatoes; and that accounts for the extraordinary rot among the patients. At the date of the next document, which is December 4th, 1845, the institution had been in operation for one year and eleven months:—

> "At the request of the magistrates at the last Kirkdale quarter-sessions, we have this day inspected the Haydock Lodge Asylum, chiefly for the purpose of ascertaining the number of patients which can be conveniently accommodated. We find that there are now 434 patients, but consider that, with its present accommodation, it ought not to contain more than 367. When the alterations now in progress are completed, it will be capable of accommodating 430 patients. We may further remark that the sleeping ward No. 143 is damp, and requires attention; and that the yard for epileptic patients is deficient in means for carrying off the rain-water in wet weather."

The magistrates now, for the first time, went to see how many it could conveniently hold. Observe! Upwards of 100 had died this very year. There were then 434 patients; and now after this awful mortality they could only come to this conclusion. It is not the Commissioners appointed to control such an institution, that ought to be allowed to conduct an investigation when a complaint was made against a public establishment. Power was given to the head of that establishment to make inquiry into the conduct of its officers. A more pernicious, absurd, and foolish practice, I cannot conceive. The heads of those establishments should know that they are under supervision, and that their conduct will be made the subject of investigation. What folly would it be if a complaint were made about a union to send down an Assistant Commissioner to inquire! He is placed in a most painful position: frauds may have been practised upon him, and every fact may tell against his own supervision; he is, therefore, conducting an investigation which may lead to the discredit of his own personal character. Two medical gentlemen were specially appointed upon that report. On the 18th of December, 1845, another report is made:—

> "We, the undersigned, visitors of Haydock Lodge, having assembled here to-day for the purpose of visiting the asylum, and having had the pleasure of meeting the Commissioners in Lunacy in the house, have confined ourselves to inspecting the food prepared for the dinner of the pauper patients, which, according to the diet table for this day (Friday), consists of one quart of rice and half a pint of beer. We saw the rice prepared, which was formed into a kind of soup; and as the dinner of the preceding day is also a liquid dinner, we are of opinion that it would be wise to avoid the occurrence of a soup dinner on two consecutive days; and we submit to the superintendent that it would be wise to change this arrangement. We have had a conversation with the Commissioners in Lunacy on this subject, and we find that our opinion meets with their concurrence."

"Rice, prepared, which is formed into a kind of soup!"—that is dignifying what the poor fellows had by an improper title—it was rice water. Then the visitors discover that it would be wise to avoid the occurrence of a liquid dinner on two consecutive days. Having ascertained that by that time so many people had died in the asylum, these sage men made the important and valuable scientific discovery that it was not good that these unfortunate people should have liquid dinners two days in succession. There is no looking at this without feeling a strong conviction that there has been gross and culpable negligence somewhere; and that it is the bounden duty of the Government to institute a most searching inquiry into the whole facts of this most extraordinary case. The mortality alone is a sufficient ground on which to demand such inquiry. I have already stated that 112 persons died in twelve months in an institution which contained only 400 persons. The visitors' book contains a report, of date January 18, 1846, as follows:—

> "We have this day called at the Haydock Lodge Asylum, with the view of ascertaining how far the recommendations of the Commissioners in Lunacy, at their visit on the 19th of December, have been complied with. We find that there is still a deficiency in the article of blankets, many beds having only one. We think that this injunction should be immediately complied with, as this, in conjunction with the hot-water apparatus about to be brought into operation, will tend to improve the health as well as comfort of the patients. The bedroom No. 112 is offensive, and requires ventilation."

There was not only deficient diet, but here we find that there were damp beds, bad drainage, ill-ventilated rooms; notwithstanding the enormous number of deaths which had taken place by dysentery, no improvements were made, and as the interior of the body was kept ill supplied, it seems to have been thought equally necessary to neglect the exterior. If the Poor Law Commissioners did no more than their duty in allowing Mr. Mott to be auditor of a union, they ought, at least, to be the last persons who should object to investigation. If his employment at Haydock Lodge Asylum were consistent with the discharge of his duties, in accordance with the legal opinions they had promulgated on a former occasion, they cannot object. A very curious exhibition took place a short time ago in a union of the views of the Poor Law Commissioners on this point. A letter was addressed to them from the clerk of the Chesterfield Union, wishing to know whether a guardian was justified in selling milk to a man who contracted with the workhouse to supply that article. The virtuous indignation of the Commissioners rose in a moment. What is their answer? It is dated Nov. 10, 1840:—

"Sir—In reply to your letter of the 22nd ult. the Poor Law Commissioners desire to state to you their opinion, that a guardian of the poor, in supplying the contractor with the milk consumed in the workhouse, would be liable to the penalties imposed by the 55th of George III., c. 137, for being concerned indirectly in furnishing a supply of provisions for the use of the workhouse. The Commissioners cannot distinguish between the present case and that of 'West *v.* Andrews,' reported in 5 B. and A., 328. There a guardian furnished provisions to the master of the workhouse, who had the contract for providing for the poor of the parish for which such guardian acted. The guardian, in conjunction with others, appointed the contractor to his situation, and it was their duty to superintend the conduct of such contractor. The court held that the guardian was liable to the penalty; Abbott, Chief Justice, observing, 'Under these circumstances, it seems to me that all the mischief which was contemplated by the Legislature would arise, if we were to hold that it was lawful. I am, therefore, clearly of opinion, that the defendant's case falls both within the words and spirit of the Act of Parliament, and that the rule for a new trial must therefore be made absolute.'"

Then there is another case, more pertinent, of a guardian, named Langworthy, who addressed a letter to the Commissioners, in which he said—

"May I request the favour of your informing me, by return of post, whether my having the care of certain lunatic paupers in my asylum, belonging to the Plympton St. Mary Union, disqualifies me from being a guardian of the parish of Plympton, in the said union? My agreement with the guardians of the Plympton St. Mary Union is to receive a certain sum per week for each pauper, which sum is paid quarterly."

The answer, which was dated the 13th of March, 1844, was as follows:—

"I am directed by the Poor Law Commissioners to acknowledge the receipt of your letter of the 4th instant, and in answer to your inquiry to state, that if you were elected a guardian, and if after your election to such office you still continue to be concerned in the maintenance of the lunatics chargeable to the Plympton St. Mary Union, you would be liable, in the opinion of the Commissioners, to the penalties imposed by the 55 Geo. III., c. 137, and 4 and 5 Will. IV., c. 76, s. 51, on persons who, having the management of the poor, supply and furnish, for their own profit, goods and provisions for the support and maintenance of the poor."

By the Act of last year the Commission have the same power over an auditor as they have over any other paid officer. The case before the House assumes a more serious aspect as regards the Lunacy Commissioners, in consequence of a letter I have received from Dr. Roberts. It is dated the 23rd of August. The Lunacy Commissioners state they received the first complaints on the 24th of February; they did not proceed to make inquiry till the 14th of May; a delay which showed extreme negligence. Dr. Roberts writes as follows:—

"Castle-hill, Bangor, August 23, 1846.

"Sir—Though personally a stranger, I am inclined to address you by having seen the notice of a Motion you are about to make in reference to Haydock Lodge. My object in doing so is to call your attention to the Lunacy Commission, with a view to show the utter inefficiency of that body, as at present constituted, to protect the unfortunate inmates of lunatic asylums against brutal and inhuman treatment. I brought the cruel treatment experienced by patients confined in Haydock Lodge, and specifically the case of the Rev. Mr. Richards, under the official notice of the Commissioners early in the month of February. When some weeks had elapsed I became convinced that some secret influence was at work to cushion the serious charges which I had preferred, so as to screen the proprietors of the establishment. Under this conviction, the correctness of which subsequent circumstances have fully confirmed, I prepared a petition which the Hon. W. O. Stanley did me the favour of presenting to the House of Commons. In calling for a return of the documents from the Commissioners, I had declared my intention to bring the subject before Parliament. Subsequently, in the month of May, I was requested by the secretary, Mr. Lutwidge, to furnish the Commissioners with the names, &c., of the witnesses upon whose testimony I relied, to prove the charges I had made. In the month of June, to my great astonishment, I was informed by Mr. Stanley that the Commissioners had adopted the novel and extraordinary course of making a report to the Secretary of

State, in which they impugned the credibility of some of my witnesses, without ever having seen or asked them a single question. In the month of July, after the publication of the petition, and the notice taken of its contents by *The Times* newspaper, the witnesses were summoned with such precipitancy as to render it almost impossible for them to appear in due time at the Commissioners' Office in London; indeed, one female was served with the summons at half-past twelve in the day, calling upon her to appear in Spring-gardens at nine o'clock the following morning. As I before showed, my charges had been preferred in February; and yet, serious as those charges were, and involving as they did the treatment of nearly 500 mostly pauper lunatics—yet the Commissioners took no efficient steps to investigate them until the 10th of July. But it seems that the wretched state of the inmates of Haydock Lodge had been brought specifically under the notice of the Commissioners as far back as November; for, on my return home from London on the 12th of July, I found a letter addressed to me by a medical gentleman residing at Crewe (Mr. Graham), in Cheshire. This gentleman states explicitly, that having visited Haydock in the month of November, he reported the dreadful state the place was in to Dr. Hume and another Commissioner. That letter is now in the possession of Mr. Stanley; its contents, in substance, are to the following effect. He visited Haydock Lodge in November last; he found the place, at eleven o'clock in the day, shamefully dirty, and the male patients ragged and filthy. There were two persons dying with diarrhœa in an apartment that was used as a sitting-room by other patients: he found a patient named William Whittaker, who had been removed from the Lincoln Asylum to Haydock Lodge, with his face so black and disfigured with bruises that he could hardly recognize him. He, though the resident medical officer of the Lincoln Lunatic Asylum, was not permitted to see any of the private patients. Mr Graham then expressly states, that he immediately afterwards reported what he had seen to Dr. Hume and another Commissioner. I have been refused a copy of the report which the Commissioners made to the Home Office, impugning the credibility of my witnesses, before they examined them, nor have I seen the one which they made after that ceremony had been gone through. I have, however, good reason to know that every allegation contained in my petition was more than fully substantiated by the evidence produced; and I am fully convinced, had it not been for the presentation of that petition, and the notice taken of its contents by *The Times* newspaper, that the enormities of Haydock Lodge might have been perpetuated with all but impunity. The housekeeper that was at Haydock, and whose conduct was referred to pointedly in the evidence, is now, I believe, the matron of an union workhouse; and my firm belief is, that the parties connected with the Poor Law Commission have been more extensively concerned, and more deeply pecuniarily interested, than the public can be aware of, in the establishments where poor, badly-clothed, and under-fed lunatics have been doomed to suffer imprisonment and hard labour.—I am, Sir, yours very respectfully, "O. O. ROBERTS."

A suspicion does exist that there is a very close connexion between persons in the Poor Law Commission Office and Lunacy Commissioners. It was in November that intimation was given on the subject of Haydock Lodge by Mr. Graham: yet the Commissioners did not find their way to Haydock Lodge till May 14. The gentleman, Mr. Roberts, who signs the letter I have read, was the first to petition this House on the subject. The statement I have read makes the case worse. Is it not extraordinary that the Commissioners should have kept from the Secretary of State the fact, that Mr. Mott was superintendent there till the thing was brought out by the public press; that the Poor Law Commissioners, in sending a reply to the Home Office, avoided referring to that circumstance? I do not say that there was fraudulent concealment; but it was not a very honest course which was followed. In coming to the conclusion of this case, I must take the opportunity of stating the views of Dr. Connolly on the treatment of lunatics. No man is more competent to deliver an opinion as to the government of a lunatic asylum, and I know no man to whom the poor are more indebted. In an address to his students he says—

> "I entreat you to remember, that the honour of your profession, and your own duty to God and man, will be best consulted by your becoming the steady advocate of these patients, and of all the wretched lunatics about to be kept attached to workhouses. Remember, that the avowed motive for removing them from the county asylums is economy—a motive always to be suspected, and generally a mere mask of avarice and selfishness. Examine, before you discontinue your visits to Hanwell, the food, the bedding, the clothing of these patients; look at their day-rooms and sleeping-rooms. Everywhere you will find comfort; but nowhere will you find extravagance. You will see the poor paralysed patient sitting in an easy chair, out of which he cannot well fall; in the summer, in the pleasant air of a garden, and in winter, by a cheerful fire. You will find that his clothes are warm, and dry, and clean; that he has a sufficient quantity of wholesome food, carefully cut up for him if he requires it; that as long as he can walk he is led about by careful attendants, and that when he can no longer walk he is attended to like a child. He lies in a decent bed, or, if his state requires it, in a padded room; as the infirmities of his malady accumulate upon him, every needful restorative is administered, and every variety of simple and sick diet; he is protected from accidents, and screened from all roughness and violence; and although utterly helpless, he is safe and even happy. All this costs the parish less than 10*s.* a week."

And all this costs less than 10*s.* a-week. Now, what can have been the motive for sending these unhappy beings to Haydock Lodge? They are received at that institution at 7*s.* a week; they are sent there from all parts of England; but consider, that they are sent so many miles from their homes—that they are removed from all care and supervision—that they are cast entirely on the mercy of attendants—that they have no relations to look in on any day of the week, month, or year, to see what their condition is—and I say this institution holds out a prospect of greater cruelty than any device I ever heard of for making money. I know the difficult position in which the Lunacy Commissioners are placed, and the multifarious duties the Poor Law Commissioners have to discharge. I believe, with the utmost care and vigilance in both departments, occasional irregularities are unavoidable. But when I look at this case, and see the necessity that was manifested for an inquiry—when I see the deliberate avowal that the institution was a contrivance for making money—I do think there is sufficient iniquity in the system to call for the reprobation of the House, and to warrant a demand upon the Government for the most searching and scrupulous inquiry. The returns have only been presented during the last few days, and of course it was perfectly out of the question to move for a Committee of this House to inquire into these allegations. I have therefore moved for the appointment of a Commission. You have lately appointed one to inquire into the management of the Milbank prison, and a Commission will be equally potent in this case. If the parties say this is a private establishment, and you have no right to enter into an inquiry as to its management, I say it will be the duty of the Government at once to make such a representation to the Lord Chancellor as will induce him to take away the license of the establishment. If a publican permits a dance or allows music in his house after a certain hour, or has a trifling riot or disturbance in it, he has to go on his knees before the magistrates, and be as humble as possible, or his license will be taken away from him; and more, if there is a repetition of the offence, his license is not renewed. Now, the only mode of touching those parties is through their pockets: their object is to make money, and the only effectual way of checking their practices, and holding them up as an example to other institutions, is to take away the license of the House; if you adopt any other means you will not succeed. If the facts stated in these documents are true, you cannot allow the license of the establishment to be continued; it is a living iniquity, that ought not to be suffered to exist. If ever there was a case for deprivation of license, this is that special case. The individuals concerned in this establishment care very little for the sufferings of those placed under them. It was not a humane or generous speculation that contrived the removal of these helpless beings from their native places to this lunatic asylum. If there had been any kindly motive in the case, some kind of excuse might be attempted. But looking at the conduct of all concerned, the conduct of the Poor Law Commissioners, of the board of guardians, of the Lunacy Commissioners, of the people employed in the establishment, of the visiting justice—looking at the whole case, it is one that demands a thorough and complete investigation. And the investigation must not be conducted by persons connected with this department; it must be done by parties wholly unconnected with and independent of them. I trust the ridiculous, wicked, and foolish plan of allowing the heads of institutions to conduct an inquiry when their own conduct is involved in it, will be relinquished; in this case the conduct of the Lunacy Commissioners is impugned, the conduct of the Poor Law Commissioners is impugned, the conduct of the visiting justices is impugned; how can any of these parties conduct such an inquiry? Will not a Commission for the purpose be effectual? If I thought it would not, I should not move for it; if it be said that such a Commission could not make the inquiry, I will give up the Motion, and move for a Committee of this House on the very first day of the next Session. But my impression is, that a Commission of Inquiry will be fully effective fur its purpose. I hope, therefore, the right hon. Gentleman will not oppose the Motion; but, by allowing it to pass, adopt a mode of discovering the truth on this subject which is alike demanded by the justice of the case, and the feeling of the House and the country. The hon. Member concluded by moving for an Address to Her Majesty, praying for the appointment of a commission to inquire into the management of the Haydock Lodge Asylum.

Mr. FIELDEN: I cannot trust myself, Sir, to say what I feel on this subject. If the establishment were truly designated, it would be called a slaughter-house. The people are very forbearing; but my impression is, unless the right hon.

Baronet does something to satisfy the public, they would be justified in rising *en masse,* and destroying Haydock Asylum. The facts are disgraceful to every one concerned in the transactions; and I hope the right hon. Baronet will grant the inquiry. But my feelings are so harrowed by the statements that have been made, that I do not dare trust myself to speak of them.

Sir G. GREY said: The hon. Member who has brought forward this Motion will be very much mistaken if he expects, as from one or two passages of his speech he seems to expect, that he will hear from me any defence of the establishment respecting which these allegations are made. I can assure the hon. Member I am not in the least degree anxious to throw any concealment over the facts of the case; I am quite ready to admit that Mr. Roberts has done a public service in bringing those facts before the public, in the petition he presented to this House. I readily admit that it is a fitting subject for a searching inquiry. I regret that a subject so important, affecting as it does the interest of a class of our fellow creatures, on whose behalf our sympathies are more especially enlisted, whose peculiar calamity specially entitles them to that sympathy, and to the utmost care that can be bestowed upon them—I regret that a subject of this importance has been brought forward in a speech of so great a length, of which, however, I do not complain, in a House of literally not a dozen Members. I think the hon. Member can hardly expect that any resolution could be come to in the present state of the House; it is only by the forbearance of hon. Gentlemen that we have continued to sit for the last few hours; but I am glad that forbearance has been exercised, because the subject is one that merits the full consideration and attention of the House. At the same time, I think the hon. Gentleman has introduced into the discussion allegations and statements not necessarily connected with the subject; for instance, the general conduct of the Poor Law Commissioners. I regret extremely the absence—from some cause that I cannot understand, since the hon. Member says he gave him notice of his intention to bring the question forward—of the noble Lord the Member for Totness (Lord Seymour), who has lately been acting as Chairman of the Lunacy Commission, instead of Lord Ashley. I believe my noble Friend the Member for Totness would be able to give a full explanation of the charges brought against the Lunacy Commissioners. The knowledge of the facts I possess is derived from the Papers laid on the Table of the House, and documents that have been transmitted to the Home Office, which I intend to move shall be printed for the public information. The hon. Member has read from the book of the visiting magistrates at Haydock Lodge extracts well deserving of attention, and from some documents which he says were sent him by the noble Lord the Member for Totness. I take it for granted that the noble Lord placed those documents in the hands of the hon. Member, for the purpose of being used in the discussion; if so, it is a point left to his discretion; and I have no doubt that discretion has been wisely exercised. But this, at all events, shows no desire, on the part of the Lunacy Commissioners to withhold any information; for it is upon the statements contained in these documents that the hon. Member has founded the gravest charges he has brought against them. I cannot see what object can be gained by further inquiry, since the very facts stated with such force are founded upon documents on the Table of the House, with the exception of the few manuscript documents I have alluded to. The hon. Member has almost read through all those documents, and upon them he founds his Motion for an inquiry; in fact, he bases his Motion for an inquiry upon the results of an investigation already made. I am bound to say, that I fear the lamentable disclosures made of the state of Haydock Lodge are not applicable to that case only. I am afraid—and the Legislature has admitted the fact—that the state of our pauper lunatic asylums is most discreditable. There were two Acts passed last year, to one of which the hon. Member has referred, one giving an authority to examine into alleged abuses in asylums; and the other, a more important one, for providing county pauper lunatic asylums. Under the latter Act power was granted to erect such asylums; and, I believe, carrying the provisions of that Act into effect will be the only effectual remedy to be found for these abuses. I regret extremely that but little progress has been made in bringing that Act into operation, in consequence of some obstructions that were discovered to its working. Parliament last year amended some of its provisions with a view of facilitating the erection of these county asylums. Till these establishments exist, I believe these abuses will be beyond the power of any authority, however stringently it may be exercised. The hon. Gentleman will recollect that the duty of visiting these asylums rested with the visiting magistrates, when they were not in the jurisdiction of the Commissioners; but the Act of last year distinctly imposes on the Commissioners the duty of inquiry into these cases. Why should we depart from the provisions Parliament has laid down; and supersede those who are appointed to inquire into these cases? [Mr. WAKLEY: Their own conduct requires investigation.] I do not speak of the Haydock Lodge investigation; but on the few occasions on which I have been compelled to communicate with the Lunacy Commissioners, I have received evidence on their part of the utmost desire to give every protection to pauper lunatics. I should be sorry, therefore, if in the absence of my noble Friend (Lord Seymour), I, by agreeing to the Motion, should have seemed to have agreed in the opinion that they had so ill discharged the duties vested in them last year, under the Act of Parliament, as to deserve to be superseded by a Royal Commission. I think their first inquiry was not so stringent as it ought to have been; but the second seems to have been full and complete; they state fairly the results of the evidence, and upon these results are ready to join in a strong condemnation of the system pursued at Haydock Lodge. I believe it is not in the power of the Chancellor or of the Government to revoke the license of a house, except on a report from the Lunacy Commissioners. With regard to some of the allegations, I have heard them for the first time. Thus with regard to the period at which information of the proceedings at Haydock Lodge was sent to the Lunatic Commissioners, I am unable to give the slightest information. But that the hon. Gentleman states that the documents he quotes from have been placed in his hands by my noble Friend, I should be surprised to hear that the first information of the proceedings at Haydock Lodge reached the Commissioners in November last, when it has been stated that it was only on the 24th of February they received it. To that point I shall call the attention of the Commissioners, as well as to others mentioned by the hon. Gentleman. [Mr. WAKLEY: That shows the want of inquiry.] The hon. Gentleman complains that there is not at once appointed a Commission of Inquiry; but I think the Commissioners should first have an opportunity of meeting that charge. With regard to the share the Poor Law Commissioners have had in these proceedings, I certainly think nothing can be more improper than for any person connected with the Poor Law Commission being concerned in the management of a pauper lunatic asylum. Since the allegation was made, Mr. Coode has been called on to resign his situation as assistant secretary; it is to be regretted that the Poor Law Commissioners did not institute a further inquiry, with a view of ascertaining how far their officer was concerned in the management of that asylum; but Mr. Coode resigned immediately the attention of the Poor Law Commissioners was called to this fact by my predecessor in the office I have the honour to hold. With regard to Mr. Mott, who had the management of the asylum, the statement made by the right hon. Baronet (Sir J. Graham) was, that he did not receive his appointment of auditor of that union from the Poor Law Commissioners; he was appointed by the guardians, and the Commissioners only gave it their confirmation. But it was also to be regretted, that the slightest apparent connexion was allowed to exist between Mr. Mott and the Poor Law Commissioners. I quite agree with all that has been said of Dr. Connolly and Mr. Whelan; but the utmost care ought to be taken by law to secure the paupers in these asylums (or rather the patients, for the want of care seems to have extended itself to the patients also) from that neglect, to say the least of it, which has been exhibited. With regard to Mr. Portus, he was dismissed previous to the inquiry by the Lunacy Commissioners. The hon. Gentleman states—and I cannot contradict him—that Mr. Portus was really acting as medical officer of the establishment so lately as the 27th of June. If any deception of that kind has been practised upon them, that ought to be made a matter for investigation. But the remedy for these abuses will, I believe, be found in the Act of last year, for the establishment of county lunatic asylums; I trust the provisions of that Act will be much more extensively carried into effect: it will remedy the evils which I admit arise from pauper lunatics being taken to such a distance from their homes. With regard to any specific case, on that and on other points, I shall feel it my duty to communicate further with the Commissioners. At present it is impossible, in the present state of the House, to agree to the Motion. A decision would not carry with it the necessary weight and authority, when made by a House not consisting of twelve Members.

Mr. WAKLEY replied: The speech of the right hon. Baronet had given him some satisfaction, but not much. If the investigation was left to the parties who had already inquired, he expected nothing from it, and he feared he should be under the necessity of troubling the House early next Session on the subject. The House and the public had a right to know to what extent the heads of the Poor Law Commission Office were implicated in these transactions. The House had a right to know why the Lunacy Commissioners did not make public the communications existing between the Poor Law Office and Haydock Lodge; if the parties or the authorities had connived at such an arrangement they ought, for the public benefit, to be exposed. [Sir G. Grey: They state they did not know it.] They ought to have known it. He knew Mr. Whelan was a benevolent man; he had been steward of Hanwell; but how could they tell it was not a colourable transfer? How did they know that the interest of Mr. Mott in the establishment had ceased, and that he would not continue practically the auditor of the union and the superintendent of the asylum? It was stated that Mr. Portus had ceased to belong to the asylum; but just before he came to the House he had seen the registration of a death at Haydock Lodge signed by him as late as the 27th of June. [Sir G. Grey: That will be a matter for inquiry.] But who would make the inquiry? If the right hon. Gentleman would make it personally, he (Mr. Wakley) should be perfectly satisfied; but he was afraid the Lunacy Commissioners would be asked to make it. He believed the Crown had the power of issuing a Commission without a vote of the House of Commons; and he hoped the right hon. Gentleman would feel it his duty to advise the Crown to issue such a Commission; the subject was of great importance; it involved the conduct of two public departments. An inquiry was due to the public service: he therefore gave the right hon. Gentleman notice that if an inquiry was not fully and effectually instituted before the next Session of Parliament, he should, if he then had the honour of a seat in it, feel it his duty early in the Session to move the appointment of a Committee upon the subject. At present he could not divide the House on his Motion, because there was no House to divide.

Motion withdrawn.

House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, August 27, 1846.

Minutes.] Public Bills.—3ª· and passed. District Lunatic Asylums (Ireland); Railway Commissioners; Pawnbrokers.

Petitions Presented. By the Earl of Auckland, from Pawnbrokers of Saint Luke's, Old Street, and several other places, in favour of the Pawnbrokers' Bill.

SMALL DEBTS BILL.

The Earl of ELLENBOROUGH presented a petition from the Incorporated Society of Attorneys, Solicitors, and others, not being Barristers, practising in the Courts of Law and Equity, praying that the Lord Chancellor might be empowered to appoint any Attorneys at Law to be Judges of the Courts to be established under that Bill.

The LORD CHANCELLOR, in moving the consideration of the Commons' Amendments to the Small Debts Bill, observed that several Amendments, not affecting the general principle of the Bill, had been introduced in the other House; but there was one clause which had been there introduced to which he wished to call their Lordships' attention. That clause was, he believe the 17th, and restricted the qualification for judges of the courts to be created under the Bill to barristers at law. This was, he considered, a most satisfactory Amendment. The jurisdiction of the Small Debts Courts was extended by this Bill, and though the sums involved in the cases brought under their jurisdiction might be comparatively small, the cases might involve legal questions of great difficulty. Now, though he (the Lord Chancellor) was perfectly ready to admit the qualifications, and learning, and ability, of many attorneys, yet undoubtedly the general course of education of that class of the legal profession did not render them equally well qualified with gentlemen who had been regularly educated for the law as barristers, to act as judges in matters involving doctrines of law. The noble and learned Lord then proposed an Amendment to enable several judges of existing courts for the recovery of small debts, who had practised as conveyancers, to continue their chamber practice (but not to practise in the courts), in the event of their being appointed judges of the new courts.

Commons' Amendments considered and agreed to, with the Amendment.

RAILWAY COMMISSIONERS' BILL.

The EARL of CLARENDON moved the Third Reading of this Bill, which, he stated, was only the framework of subsequent legislation with respect to railways. The present Bill did little more than transfer to a new department the powers possessed by the Board of Trade. He hoped Parliament would never give any public department the power to put a veto upon projected schemes, or to prevent the investment of capital in railway undertakings.

LORD ELLENBOROUGH had hoped that the new department created by the Bill would have possessed greater powers than were at present exercised by the Board of Trade; but such did not appear to be the case. He was sorry the Bill had come before Parliament in the absence of his noble Friend the late President of the Board of Trade (the Earl of Dalhousie). If the matter had remained in the hands of his noble Friend, or in the hands of his noble Friend now the President of that Board (the Earl of Clarendon), he should have had much greater confidence in their decisions than in those of the proposed Board, and so, he believed, would the public. The President of the proposed Board ought to have had a more influential voice in the proceedings of the Board than it was contemplated to give him. Altogether, he regretted that the present Bill had been brought forward, but he did not wish to divide the House against it.

Bill read 3ª. and passed.

DISTRESS IN IRELAND.

The EARL of RODEN rose and expressed a hope that he might be permitted to address a few words to the House upon a subject which was most deeply interesting to himself, most important to Her Majesty's Ministers, and most closely connected with the very existence of a large portion of the population. He lamented that it was not in his power to be present in the House the other night when the noble Marquess opposite (the Marquess of Lansdowne) brought forward a measure for the relief of distress consequent upon the failure of the potato crop in Ireland. He (the Earl of Roden) did not wish to express an opinion upon the usefulness or efficacy of that measure; for he was most willing to give credit to Her Majesty's Ministers that they were anxious to do all that lay in their power to meet the evils at present existing in Ireland; and particularly he was ready to admit that the noble Lord at the head of the Government in Ireland would be most anxious to discharge his duty in that respect. The course which the late Government took last year did them the greatest credit. They had prevented much distress; and, had they not been so ready to listen to whatever complaints were addressed to them, it was impossible to say what the result might have been. But, whilst he entertained these feelings, he deemed it to be his duty, before Parliament separated, having been recently an eye-witness of the circumstances of Ireland, to come over and state to the Parliament, and through Parliament to the country, the melancholy situation in which a large portion of our fellow subjects there were likely to be placed. Within the last few days he had traversed a great part of the province of Ulster, with the view of ascertaining its real condition; and he was not guilty of any exaggeration when he said that through the whole progress of his journey he did not believe there was one field of potatoes which was not decaying, and rapidly decaying, in consequence of the disease which had extended so widely among that species of food. But this was not all. He regretted to state that it was accompanied by another evil; he alluded to a very great deficiency in the oat crop in that part of the country. Their Lordships would remember that the population there were not confined to the potato, but that oats formed a considerable portion of their food. So that, if the failure in the oat crop was at all equal to that of the potato, the calamity would indeed be most awful. There were various means of relief which might be adopted; and one which occurred to him at the present moment was this: On the western coast of Ireland there was an abundance of food which required only the means of transportation to be made available for the whole country; he alluded to the fisheries on that coast. If these were encouraged, and facilities were given for the conveyance of the fish to the interior, he believed that great benefits would accrue to the population. The manner in which the peasantry regarded the failure of the potato crop was most striking. They considered that calamity as a visitation from Heaven; and no one who travelled through the country could fail to observe with what patience and submission they bore it. The noble Lord opposite (Lord Monteagle) had described the condition of the people in the south of Ireland; and he (the Earl of Roden) had that morning received a letter which entirely confirmed his statement. He would merely observe, in conclusion, that he had drawn their Lordships' attention to this subject in the hope that by so doing he should call forth the sympathies of those who had it in their power to assist in relieving the distress which prevailed; and if his voice could reach the ears of the possessors of property in Ireland—if his voice could have any effect in speaking to them from that place on so solemn a question, he would beseech them under any circumstances to come home to their own country and people—to live amongst and encourage them in the midst of the difficulties in which they stood—and to show to them that they were willing to share the evils which he feared the people of Ireland would ere long be forced to bear.

The Earl of COURTOWN also expressed his fervent hope that everything would be done to give employment to the Irish people.

Lord MONTEAGLE said, that the constabulary in Ireland cost the country upwards of 160,000*l.* a year, and he thought the money would be much better laid out if it were devoted to the employment of the people.

The Duke of GRAFTON said, he saw no reason why they should not supply the Irish people with food directly. Why not send them biscuit? He was sure that no Irishman would object to use the same biscuit on which their sailors were fed.

The Earl of CLARENDON could not, he said, permit the discussion to close without tendering his best thanks to the noble Lord who had come from Ireland to make known the situation of that country; and he now appealed to all persons of property in that country to unite together, for the purpose of preventing the evils that were likely to flow from the present dreadful calamity. This was, he said, a most important moment, and he could not permit the opportunity that was then presented to him of adjuring every one, who had an interest in Ireland, and not only them, but of all others, to unite together for the purpose of making one common effort for relieving and mitigating the existing distress; for the statements that had been made by noble Lords regarding it only tended to confirm the melancholy reports which Her Majesty's Government had received, and that occupied their most earnest and most anxious attention. His only hope was, that the efforts they were about to make, and the measures they proposed to adopt, might, he would not say, effect a cure, but be at least the means of alleviating the evil.

House adjourned.

HOUSE OF COMMONS,

Thursday, August 27, 1846.

Minutes.] Public Bills.—1°· Arrest on Mesne Process.

Petitions Presented. By Mr. Villiers, from Secular Clergymen and Laymen of the Congregation of Sedgley Park, in the Parish of Sedgley, professing the Roman Catholic Religion, praying that the Roman Catholic Relief Bill may pass into a Law.—By Mr. James Oswald, from Importers, Dealers, and Consumers of Foreign Coffee, praying that the Duty on Foreign Coffee may be reduced to Fourpence per Pound.—By Mr. Villiers, from certain Merchants and Corn Dealers of the Port of Liverpool, complaining of an Error in the Corn Bill respecting the Mode of levying the Duties on Rye, Peas, and Beans, and praying the House to pass an Amended Enactment.—By Sir William Somerville, from Richard Madden, of the City of Dublin, praying the House to institute due Inquiry into the System of granting City Attachments in Ireland, with a view to its Total Abrogation.—By Mr. James Oswald, from Directors of the Chamber of Commerce and Manufactures, established by Royal Charter, in the City of Glasgow, against the Joint Stock Banks (Scotland and Ireland) Bill.—By Sir William Somerville, from Richard Madden, of the City of Dublin, praying the House to introduce a Clause into the Leases (Ireland) Bill to extend by Six Months the Time at present allowed by Law for Redeeming Freehold or Leasehold Property under Ejectment for Non-Payment of Rent in Ireland.—By Mr. Halsey, from Legally Qualified Practitioners in Medicine and Surgery, of Hitchin and Neighbourhood, against the Medical Practitioners Bill.—By Mr. Spooner, from Charles Andrew Thomson, Oporto Merchant, of Boston Grove, Brentford, in the County of Middlesex, complaining of having been ruined by various Legislative Enactments connected with the Currency, and praying that the Monetary System of the Country may undergo a Searching Inquiry by the House.—From Proprietors and Inhabitants of Lands and Houses in and near Limerick, complaining of the Prevalence of Fever and other Diseases caused by the Obstruction of the Natural Course of the Shannon by certain Banks of Rubbish, and praying for their Removal.—From Manufacturers, Wholesale and Retail Dealers, and other Inhabitants of and in the Vicinity of the Edgeware Road, Marylebone, in the County of Middlesex, praying the House to adopt Measures for Redeeming and Extinguishing the Tolls upon Waterloo, Southwark, and Vauxhall Bridges.

HOUSE OF LORDS,

Friday, August 28, 1846.

Minutes.] Public Bills. *Received the Royal Assent.* Consolidated Fund (Appropriation); Customs Duties (No. 2); Contagious Diseases; Small Debts; Pawnbrokers; Wreck and Salvage; Steam Navigation; Drainage of Lands; British Possessions; New Zealand Government; Waste Lands (Australia); Railway Commissioners; Private Bills; Poor Employment (Ireland); Public Works (Ireland) (No. 4); Public Works (Ireland) (No. 5); Rateable Property (Ireland); Ejectments (Ireland); Leases (Ireland); Mandamus (Ireland); Fisheries (Ireland); Constabulary (Ireland); District Lunatic Asylums (Ireland).

THE PROROGATION OF PARLIAMENT—SPEECH OF THE LORDS COMMISSIONERS.

The Parliament was this day prorogued by Commission.

The LORD CHANCELLOR having taken his seat at the foot of the Throne, together with the other Lords Commissioners, viz., the Lord President of the Council (the Marquess of Lansdowne), the Lord Privy Seal (the Earl of Minto), the Lord Chamberlain of the Household (Earl Spencer), and the Chancellor of the Duchy of Lancaster (Lord Campbell), directed the Gentleman Usher of the Black Rod to require the attendance of the Commons; who having appeared, preceded by their Speaker, and the Royal Assent having been given by Commission to some Bills,

The LORD CHANCELLOR, on behalf of the LORDS COMMISSIONERS, delivered the following Speech:—

My Lords, and Gentlemen,

WE are commanded by Her Majesty to express to you the warm Acknowledgments of Her Majesty for the public Spirit you have evinced in the Discharge of your laborious Duties during an anxious and protracted Session.

HER Majesty trusts that you will be rewarded by witnessing the beneficial Results of the Measures, which have been sanctioned by Her Majesty, for the present Relaxation, and ultimate Repeal, of protective Duties on Corn and Sugar.

HER Majesty entertains a confident Hope that the more free Admission of the Produce of Foreign Countries into the Home Market will increase the Comforts and better the Condition of the great Body of Her People.

HER Majesty feels the greatest Satisfaction in reflecting that Her Majesty's Efforts to settle, in a manner consistent with National Honour, the conflicting Claims of *Great Britain* and the United States, with respect to the Territory on the North-west Coast of *America*, have been completely successful.

HER Majesty continues to receive from all Foreign Powers the strongest Assurances of their Desire to cultivate friendly Relations with this Country.

HER Majesty commands us to congratulate you on the victorious Course and happy Conclusion of the War in *India*, and Her Majesty has much Gratification in announcing to you that perfect Tranquillity prevails throughout the whole of the *British* Possessions in that Quarter of the World.

Gentlemen of the House of Commons,

HER Majesty has observed with Satisfaction the Care you have taken to prevent permanent Loss to the Revenue, and to maintain the Public Faith.

HER Majesty has commanded us to acknowledge the Zeal and Unanimity with which you assented to the Increase in the Naval and Military Estimates, which a Regard to the Exigencies of the Public Service induced Her Majesty to propose for your Consideration.

My Lords, and Gentlemen,

HER Majesty has to lament that the Recurrence of a Failure in the Potatoe Crop in an aggravated Degree will cause a serious Deficiency in the Quantity of a material Article of Food.

HER Majesty has given Her cordial Assent to Measures by which this Calamity may be mitigated in that Part of the United Kingdom where the Cultivation of the Potatoe has hitherto afforded the chief Supply for the Subsistence of the People.

HER Majesty has seen with Pleasure that a considerable Diminution of Crime and Outrage has taken place in those Counties of *Ireland* which had been most disturbed.

Her Majesty is confident that on your Return to your several Counties you will find a Spirit of Loyalty generally prevalent. The Extension of Works of Improvement has increased the Demand for Labour, and the Tranquillity of the Country has favoured the Pursuits of Industry in all its Branches.

Her Majesty trusts that by a Combination of Prudence with Enterprise, and of a willing Obedience to Law with a Desire for social Progress, Her People will, through the Divine Blessing, enjoy the full Advantages of Peace.

The Clerk at the Table then read the Royal Commission for proroguing the Parliament, and the LORD CHANCELLOR then said—

My Lords, and Gentlemen,

By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name, and in obedience to Her Commands, prorogue this Parliament to Wednesday the Fourth Day of November next, to be then here holden; and this Parliament is accordingly prorogued to Wednesday the Fourth Day of November next.

HOUSE OF COMMONS,

Friday, August 28, 1846.

Minutes.] New Writs. For Derby Borough, *v.* Edward Strutt, Esq., Chiltern Hundreds.—For Clonmel, *v.* Right Hon. David Pigott, Lord Chief Baron of the Exchequer in Ireland.

Petitions Presented. By Mr. Mark Philips, from Inhabitants of the Townships of Burnley and Habergham Eaves, otherwise Burnley cum Habergham Eaves, in the Parish of Whalley and County of Lancaster, praying that in order to fill up the Vacancy caused by the Disfranchisement of the Borough of Sudbury, the House will be pleased to Adopt Measures for Enfranchising the Town of Burghley cum Eaves, and empowering the Inhabitants to return One Member to serve in the Commons' House of Parliament.—By Viscount Palmerston, from Owners and Occupiers of Houses in the Borough and Parish of Tiverton, against the Rating of Tenements Bill.—By Mr. James Oswald, from John Whitelaw, in the Parish of Barony, in the County of Lanark, following the Occupation of Power-loom Dresser, praying the House at once to Repeal all Laws restricting the Publication by Tongue or Pen of Theological Opinions.—By Mr. Thomas Duncombe, from Thomas Phillips, Resident Proprietor of the Belle Vue Asylum, situate near Devizes, in the County of Wilts, and by Lord Alfred Paget, from Thomas Rowley, M.D., Medical Proprietor of a Licensed House situate at Sandfield, in the City and County of Lichfield, for Alteration of Law respecting Lunatics.—By Mr. Alderman Humphery, from Legally Qualified Practitioners of Medicine and Surgery of the Parishes of St. John and St. Olave, Southwark, in favour of the Medical Practitioners Bill.——By Mr. Greene, from Board of Guardians of the Kinsale Union, in the County of Cork, setting forth the Failure of the Potato Crop, and suggesting Measures for the Relief of the Poor in Ireland during the Impending Calamities.—By several hon. Members, from a number of Metropolitan Parishes, praying the House to adopt Measures for Redeeming and Extinguishing the Tolls upon Waterloo, Southwark, and Vauxhall Bridges.—By Mr. Thomas Duncombe, from Charles Watts, late a Private in the 71st Company of the Plymouth Division of Royal Marines, complaining of having been subjected to Cruel Treatment by Commander J. T. Paulson, and praying for an Investigation into the Conduct of the said Commander.

POOR LAWS.

Mr. BORTHWICK wished to have some proper understanding of the terms on which they were to separate with reference to the important question of the Poor Law. It would be in the recollection of the House, that when the noble Lord at the head of the Government adopted the Poor Removal measure of the late Government, there stood in his (Mr. Borthwick's) name a notice of Motion, with a view of referring that measure to a Select Committee, instead of a Committee of the whole House. The noble Lord asked him to withdraw that Motion, because, on the part of the Government, he was ready at the beginning of next Session to consent to a close inquiry into the whole law of settlement. Subsequently there had also stood in his name a Notice of Motion for an inquiry into the whole operation of the Poor Law. He had, however, withdrawn that Motion, because he had felt that it was not fair to press it, as the Government had come into office only towards the end of the Session, and had not therefore had time to form their opinions on the various reports, such as that on district asylums and the Andover union. Nevertheless, he had expressed his intention of moving at the beginning of next Session, unless the Government did something on the subject, for a Select Committee of Inquiry into the whole operation of the Poor Law, founded on the reports to which he had adverted; he trusted, however, that he should be spared the necessity of giving notice on the subject, for he felt he might confidently leave the matter in the hands of the Government. At the same time, he would ask whether it was the intention of the Government to take the whole operation of the Poor Law into consideration, with a view to introduce some measure on the subject at the beginning of next Session?

Lord J. RUSSELL said, he would not venture, in the present state of the Poor Law, and of the inquiries lately made, to say what measure or inquiry Government would propose; but he would give this promise to the hon. Gentleman, that unless he (Lord J. Russell) did propose a full inquiry in the name of the Government, or unless he took some steps to preclude the necessity of it, he should make no opposition next Session to the appointment of a Select Committee to inquire into the whole operation of the Poor Law.

THE ANDOVER WITNESSES.

Mr. WAKLEY begged to ask the right hon. the Home Secretary, whether his attention had been called to a letter in *The Times* newspaper of that morning from Mr. Tasker, a very respectable gentleman living in the neighbourhood of Andover. It appeared from his statements that the witnesses who had been called before the Committee of this House on the subject of the Andover Union had been sadly used since their return to Andover. It was really a matter of grave importance, and the attention of the right hon. Gentleman ought to be immediately directed to it. It was quite clear that the parties would receive no protection from the Poor Law Commissioners, and must throw themselves upon that of the right hon. Gentleman, who was, in fact, at the head of the Poor Law administration. Nothing could be more necessary for the due course of justice than that persons who had been examined as witnesses should be protected from persecution for it.

Sir G. GREY: I saw that there was a letter upon the subject in *The Times* this morning; I had not time to read it, in consequence of the pressure of other business; but I put it aside to read as soon as I can. I do not know whether the law will enable me to interfere in the circumstances not having read the letter; I intend to do so, but I must of course reserve my decision till after I have read it.

PROROGATION OF PARLIAMENT.

The House was summoned by the Usher of the Black Rod to the House of Peers. Mr. Speaker then left the Chair, and was followed to the House of Peers by the Members present, when a Speech of the Lords Commissioners was delivered to both Houses by the Lord Chancellor; after which a Commission was read by the Clerk at the Table for proroguing the Parliament until Wednesday, the 4th of November next; and the Lords Commissioners then declared the Parliament prorogued accordingly.

On the return of the Commons to their House, Mr. Speaker took his seat at the Table, and read the Speech of the Lords Commissioners, and the House then separated.

TABLE OF STATUTES.

A TABLE OF ALL THE STATUTES

Passed in the SIXTH Session of the FOURTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland*.

9° & 10° *VICT.*

PUBLIC GENERAL ACTS.

I. AN Act for the further Amendment of the Acts for the Extension and Promotion of Public Works in *Ireland*.

II. An Act to authorize Grand Juries in *Ireland*, at the Spring Assizes of the present Year, to appoint Extraordinary Presentment Sessions: to empower such Sessions to make Presentment for County Works, and to provide Funds for the Execution of such Works; and also to provide for the more prompt Payment of Contractors for Works under Grand Jury Presentments in *Ireland*.

III. An Act to encourage the Sea Fisheries of *Ireland*, by promoting and aiding with Grants Public Money the Construction of Piers, Harbours, and other Works.

IV. An Act to amend the Acts for promoting the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in *Ireland;* and to afford Facilities for increased Employment for the labouring Classes in Works of Drainage during the present Year.

V. An Act to amend an Act for regulating the Construction and Use of Buildings in the Metropolis and its Neighbourhood.

VI. An Act to make Provision until the First Day of *September* One thousand eight hundred and forty-seven, for the Treatment of poor Persons afflicted with Fever in *Ireland*.

VII. An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-six.

VIII. An Act to make further Provisions as to unclaimed Stock and Dividends of the *South Sea* Company.

IX. An Act for amending the Act for rendering effective the Services of the *Chelsea* Out-Pensioners, and extending it to the Out-Pensioners of *Greenwich* Hospital.

X. An Act for regulating the Payment of the Out-Pensioners of *Greenwich* and *Chelsea* Hospitals.

XI. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

XII. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

XIII. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-seven.

XIV. An Act to continue until the First Day of *March* One thousand eight hundred and forty-seven, and from thence to the End of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in *India*.

XV. An Act for raising the Sum of Eighteen millions three hundred and eighty thousand two hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-six.

XVI. An Act to authorize the Inclosure of certain Lands in pursuance of the Recommendation of the Inclosure Commissioners for *England* and *Wales*.

XVII. An Act for the Abolition of the exclusive Privilege of Trading in Burghs in *Scotland*.

XVIII. An Act to amend Two clerical Errors in an Act of the last Session, for regulating the Labour of Children, young Persons, and Women in Print Works.

XIX. An Act to amend an Act of the Second and Third Years of His late Majesty, by providing additional Booths or Polling Places at Elections in *Ireland* where the Number of Electors whose Names shall begin with the same Letter of the Alphabet shall exceed a certain Number.

XX. An Act to amend an Act of the Second Year of Her present Majesty, for providing for the Custody of certain Monies paid, in pursuance of the Standing Orders of either House of Parliament, by Subscribers to Works or Undertakings to be effected under the Authority of Parliament.

XXI. An Act to enable the Right Honourable *Henry* Viscount *Hardinge* to receive the full

Benefit of an Annuity of Five thousand Pounds granted to him by the *East India* Company.

XXII. An Act to amend the Laws relating to the Importation of Corn.

XXIII. An Act to alter certain Duties of Customs.

XXIV. An Act for removing some Defects in the Administration of Criminal Justice.

XXV. An Act for preventing malicious Injuries to Persons and Property by Fire, or by explosive of destructive Substances.

XXVI. An Act for abolishing the Office of Superintendent of Convicts under Sentence of Transportation.

XXVII. An Act to amend the Laws relating to Friendly Societies.

XXVIII. An Act to facilitate the Dissolution of certain Railway Companies.

XXIX. An Act for granting to Her Majesty, until the Fifth Day of *August* One thousand eight hundred and forty-six, certain Duties on Sugar imported into the United Kingdom.

XXX. An Act to define the Notice of Elections of Members to serve in Parliament for Cities, Towns, or Boroughs in *Ireland*.

XXXI. An Act to settle an Annuity on Viscount *Hardinge*, and the Two next surviving Heirs Male of the Body of the said Viscount *Hardinge* to whom the Title of Viscount *Hardinge* shall descend, in consideration of his great and brilliant Services.

XXXII. An Act to settle an Annuity on Lord *Gough* and the Two next surviving Heirs Male of the Body of the said Lord *Gough* to whom the Title of Lord *Gough* shall descend, in consideration of his important Services.

XXXIII. An Act to amend the Laws relating to Corresponding Societies and the licensing of Lecture Rooms.

XXXIV. An Act to enable the Commissioners of Her Majesty's Woods to construct a new Street from *Spitalfields* to *Shoreditch*.

XXXV. An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and forty-eight, and to the End of the then next Session of Parliament, an Act of the Tenth Year of King *George* the Fourth, for providing for the Government of Her Majesty's Settlements in *Western Australia* on the Western Coast of *New Holland*.

XXXVI. An Act to continue until the First day of *January* One thousand eight hundred and fifty-one, and to the End of the then next Session of Parliament, and to amend, an Act for establishing an Office for the Benefit of Coalwhippers of the Port of *London*.

XXXVII. An Act to amend the Laws relating to the Office of Coroner and the Expences of Inquests in *Ireland*.

XXXVIII. An Act to empower the Commissioners of Her Majesty's Woods to form a Royal Park in *Battersea Fields* in the County of *Surrey*.

XXXIX. An Act to enable the Commissioners of Her Majesty's Woods to construct an Embankment and Roadway on the North Shore of the River *Thames* from *Battersea Bridge* to *Vauxhall Bridge*, and to build a Suspension Bridge over the said River at or near *Chelsea Hospital*, with suitable Approaches thereto, including a Street from *Lower Sloan Street* to the Northern Extremity of the Bridge.

XL. An Act to declare certain Ropeworks not within the Operation of the Factory Acts.

XLI. An Act for granting to Her Majesty, until the Fifth Day of *September* One thousand eight hundred and forty-six, certain Duties on Sugar imported into the United Kingdom.

XLII. An Act to authorize a Loan from the Consolidated Fund to the *New Zealand* Company.

XLIII. An Act to suspend until the First Day of *October* One thousand eight hundred and forty-seven the making of List and the Ballots and Enrolments for the Militia of the United Kingdom.

XLIV. An Act to remove Doubts as to the Election of Members to serve in Parliament for the County of *Chester*, the Boroughs situate therein, and for the County of the City of *Chester*.

XLV. An Act to continue until the First Day of *September* One thousand eight hundred and forty-seven certain of the Provisions of an Act of the Fifth and Sixth Years of Her present Majesty, for amending the Constitution of the Government of *Newfoundland*.

XLVI. An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and fifty-one an Act of the Fourth and Fifth Years of Her present Majesty, for authorizing and facilitating the Completion of a Survey of *Great Britain*, *Berwick-upon-Tweed*, and the *Isle of Man*.

XLVII. An Act to apply the Sum of Four Millions out of the Consolidated Fund, and the Surplus of Ways and Means, to the Service of the Year One thousand eight hundred and forty-six.

XLVIII. An Act for legalizing Art Unions.

XLIX. An Act to continue until the First Day of *October* One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads.

L. An Act to continue until the First Day of *October* One thousand Eight hundred and forty-seven, and to the End of the then Session of Parliament, the Exemption of Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor.

LI. An Act to continue certain Turnpike Acts until the First Day of *October* One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament.

LII. An Act to continue to the First Day of *October* One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament, the Act to amend the Laws relating to Loan Societies.

LIII. An Act to continue the Copyhold Commission until the Thirty-first Day of *July* One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament.

LIV. An Act to extend to all Barristers practising in the Superior Courts at *Westminster* the Privileges of Serjeants at Law in the Court of Common Pleas.

LV. An Act to defray until the First Day of *August* One thousand eight hundred and forty-seven the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons' Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.

LVI. An Act to provide Forms of Proceedings under the Acts relating to the Duties of Assessed Taxes, and the Duties on Profits arising from Property, Professions, Trades, and Offices in *England*.

LVII. An Act for regulating the Gauge of Railways.

LVIII. An Act to amend an Act of the Seventh and Eighth Years of Her present Majesty, for reducing, under certain Circumstances, the Duties payable upon Books and Engravings.

LIX. An Act to relieve Her Majesty's Subjects from certain Penalties and Disabilities in regard to Religious Opinions.

LX. An Act to exempt from Stamp Duty Bonds and Warrants to confess Judgment executed by High Constables or Collectors of Grand Jury Cess, or their Sureties, in *Ireland*.

LXI. An Act to amend an Act of the Seventh Year of King *George* the Fourth, for consolidating and amending the Laws relating to Prisons in *Ireland*.

LXII. An Act to abolish Deodands,

LXIII. An Act for granting certain Duties on Sugar and Molasses.

LXIV. An Act to enable Courts of Law in *Ireland* to give Relief against adverse Claims made upon Persons having no Interest in the Subject Matter of such Claims.

LXV. An Act to provide for the more effectual Execution of the Office of a Justice of the Peace, and the better Administration of the Police, within the Borough of *Wolverhampton* and certain Parishes and Places in the Neighbourhood thereof, all in the County of *Stafford*.

LXVI. An Act to amend the Laws relating to the Removal of the Poor.

LXVII. An Act to remove Doubts concerning Citations, and Services and Execution of Diligence, in *Scotland*.

LXVIII. An Act for better enabling the Burial Service to be performed in One Chapel where contiguous Burial Grounds shall have been provided for Two or more Parishes or Places.

LXIX. An Act to authorize until the Thirty-first Day of *July* One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament, the Regulation of the Annuities and Premiums of the Naval Medical Supplemental Fund Society.

LXX. An Act to amend the Act to facilitate the Inclosure and Improvement of Commons.

LXXI. An Act to amend an Act of the present Session, intituled *An Act to authorize Grand Juries in* Ireland, *at the Spring Assizes of the present Year, to appoint Extraordinary Presentment Sessions; to empower such Sessions to make Presentment for County Works; and to provide Funds for the Execution of such Works; and also to provide for the more prompt Payment of Contractors for Works under Grand Jury Presentments in* Ireland.

LXXII. An Act to amend the Act for Marriages in *Ireland*, and for registering such Marriages.

LXXIII. An Act further to amend the Acts for the Commutation of Tithes in *England* and *Wales*.

LXXIV. An Act to encourage the Establishment of public Baths and Washhouses.

LXXV. An Act to regulate Joint Stock Banks in *Scotland* and *Ireland*.

LXXVI. An Act for the Abolition of the exclusive Privilege of Trading, or of regulating Trades, in Cities, Towns, or Boroughs in *Ireland*.

LXXVII. An Act to amend the Acts relating to the Offices of the House of Commons.

LXXVIII. An Act to authorize a further Advance of Money out of the Consolidated Fund towards defraying the Expence of County Works presented in *Ireland*.

LXXIX. An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-seven, and to the End of the then Session of Parliament, an Act of the Fifth and Sixth Years of Her present Majesty, for amending the Law relative to Private Lunatic Asylums in *Ireland*.

LXXX. An Act to authorize the Advance of Money out of the Consolidated Fund, for carrying on Public Works and Fisheries, and Employment of the Poor.

LXXXI. An Act for regulating the Deduction at the Bank of *England* of Income Tax Duty in respect of certain Offices.

LXXXII. An Act to amend an Act of the present Session for authorizing a Loan from the Consolidated Fund to the *New Zealand* Company.

LXXXIII. An Act to empower the Commissioners for the Issue of Loans for Public Works and Fisheries to make Loans in Money to the Commissioners of Her Majesty's Woods, in lieu of Loans heretofore authorized to be made in Exchequer Bills.

LXXXIV. An Act to amend the Law concerning Lunatic Asylums and the Care of Pauper Lunatics in *England*.

LXXXV. An Act to authorize the Application of Money for the Purposes of Loans for carrying on Public Works in *Ireland*.

LXXXVI. An Act to extend and consolidate the Powers hitherto exercised by the Commissioners of Public Works in *Ireland*, and to appoint additional Commissioners.

LXXXVII. An Act for promoting the voluntary Establishment in Boroughs and certain Cities and Towns in *Ireland* of public Baths and Washhouses.

LXXXVIII. An Act to remove Doubts as to the Legality of certain Assignments of Ecclesiastical Patronage.

LXXXIX. An Act to continue certain Acts for regulating Turnpike Roads in *Ireland* until the Thirty-first Day of *July* One thousand eight hundred and forty-seven, and to the End of the then Session of Parliament.

XC. An Act to prevent the Use of Stills by unlicensed Persons.

XCI. An Act to continue certain Patent Commissions until the Exhibition of the Commissions revoking them.

XCII. An Act to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Receipt and Expenditure of the Naval and Military Departments.

XCIII. An Act for compensating the Families of Persons killed by Accidents.

XCIV. An Act to enable the Legislatures of certain *British* Possessions to reduce or repeal certain Duties of Customs.

XCV. An Act for the more easy Recovery of Small Debts and Demands in *England*.

XCVI. An Act for the more Speedy Removal of certain Nuisances, and to enable the Privy

Council to make Regulations for the Prevention of contagious and epidemic Diseases until the Thirty-first Day of *August* One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament.

XCVII. An Act to provide for removing the Charge of the Constabulary Force in *Ireland* from the Counties, and for enlarging the Reserve Force; and to make further Provision for the Regulation and Disposition of the said Constabulary Force.

XCVIII. An Act to amend the Law for regulating the Hours of receiving and delivering Goods and Chattels as Pawns in Pawnbrokers Shops.

XCIX. An Act for consolidating and amending the Laws relating to Wreck and Salvage.

C. An Act for the Regulation of Steam Navigation, and for requiring sea-going Vessels to carry Boats.

CI. An Act to authorize the Advance of Public Money to a limited Amount, to promote the Improvement of Land in *Great Britain* and *Ireland* by Works of Drainage.

CII. An Act to amend the Laws relating to the Customs.

CIII. An Act to make further Provision for the Government of the *New Zealand* Islands.

CIV. An Act to amend an Act for regulating the Sale of Waste Land belonging to the Crown in the *Australian* Colonies, and to make further Provision for the Management thereof.

CV. An Act for constituting Commissioners of Railways.

CVI. An Act for making preliminary Inquiries in certain Cases of Applications for Local Acts.

CVII. An Act to facilitate the Employment of the labouring Poor for a limited Period in the distressed Districts in *Ireland.*

CVIII. An Act to provide additional Funds for Loans and Grants for Public Works in *Ireland.*

CIX. An Act to authorize a further Issue of Money in aid of Public Works of acknowledged Utility in poor Districts in *Ireland.*

CX. An Act to amend the Law relating to the Valuation of rateable Property in *Ireland.*

CXI. An Act to amend the Law in *Ireland* as to Ejectments and Distresses, and as to the Occupation of Lands.

CXII. An Act to facilitate and encourage the granting of certain Leases for Terms of Years in *Ireland.*

CXIII. An Act to improve the Proceedings in Prohibition and on Writs of Mandamus in *Ireland.*

CXIV. An Act for the further Amendment of an Act of the Sixth Year of Her present Majesty, for regulating the *Irish* Fisheries.

CXV. An Act to amend the Laws as to District Lunatic Asylums in *Ireland;* to provide for the Expence of the Maintenance of certain Lunatic Poor removed from the *Richmond* Lunatic Asylum, *Dublin,* for Want of Room therein; and to provide for the Salaries and Expences incident to the Office of Inspector of Lunatics in *Ireland.*

CXVI. An Act to apply the Sum of Eight millions three hundred fifty-six thousand one hundred and seventy-three Pounds Seventeen Shillings and Eleven-pence out of the Consolidated Fund, and Monies in the Exchequer, to the Service of the Year One thousand eight hundred and forty-six, and to appropriate the Supplies granted in this Session of Parliament.

CXVII. An Act to authorize the Inclosure of certain Lands pursuant to a special Report of the Inclosure Commissioners for *England* and *Wales.*

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC

AND TO BE JUDICIALLY NOTICED.

i. AN Act for lighting with Gas the Town of *Downpatrick* in the County of *Down.*

ii. An Act for lighting with Gas the Town and Parish of *Radcliff* and the Township of *Pilkington,* or Parts thereof, in the County Palatine of *Lancaster.*

iii. An Act for better assessing and collecting the Poor Rates, Lighting and Watching and Church Rates, in the Parish of *Aylesbury,* and the Highway Rates in the Township of *Aylesbury* and Hamlet of *Walton* respectively, in the County of *Buckingham.*

iv. An Act for granting more effectual Powers for lighting with Gas the Town of *Bury* and the Neighbourhood thereof in the Parish of *Bury* in the County Palatine of *Lancaster.*

v. An Act to enable the United Company of Proprietors of the *Ellesmere and Chester* Canal to raise a further Sum of Money.

vi. An Act for building a Bridge across the River *Medway* at *Rochester* in the County of *Kent,* with Approaches thereto; for taking down the present Bridge; and for amending the Acts relating to the same.

vii. An Act for repairing, improving, and maintaining certain Roads leading from the Borough of *New Woodstock* to *Rollright Lane*, and other Roads connected therewith, in the County of *Oxford*.

viii. An Act for lighting with Gas the Town of *Middleton* and its Vicinity in the County of *Lancaster*.

ix. An Act for inclosing Lands in the Parish of *Willingham* in the County of *Cambridge*, and for draining and embanking certain Fen Lands and Low Grounds in the said Parish.

x. An Act to enable the Company of Proprietors of the *Manchester and Salford* Waterworks to raise a further Sum of Money.

xi. An Act for altering, amending, and enlarging the Powers and Provisions of the several Acts passed in relation to the *Monkland* Navigation.

xii. An Act for enabling the Trustees of the *Enfield Chase* Road to make a Deviation or Alteration of the said Road from a Point near the Sixteenth Milestone in the Parish of *North Mims* to the Town of *Hatfield* in the County of *Hertford*.

xiii. An Act for constructing a Wet Dock and other Works on the South Side of the River *Wear* at *Sunderland-near-the-Sea* in the County Palatine of *Durham*.

xiv. An Act to amend and enlarge some of the Provisions of the Acts relating to the *Great Western* Railway Company, and to confirm the Purchase of certain Railways by the said Company.

xv. An Act for enabling the *Taunton* Gas Light and Coke Company, incorporated by the *Taunton* Gas Act, 1845, to borrow additional Money for the Purposes of the Company, and for confirming a Purchase made by them; and for other Purposes.

xvi. An Act for improving and maintaining the Port and Harbour of *Helensburgh*, in the County of *Dumbarton*.

xvii. An Act for better supplying with Water the City and Neighbourhood of *York*.

xviii. An Act to incorporate the Members of the Most Honourable and Loyal Society of Ancient *Britons*, commonly called the *Welsh* Charity School, and to enable them the better to carry on their charitable designs.

xix. An Act for better supplying with Water the Town and Environs of *Boston* in the County of *Lincoln*.

xx. An Act for establishing a Cemetery at *Birmingham* in the County of *Warwick*.

xxi. An Act to enable the Company of Proprietors of the *Glasgow* Waterworks to introduce an additional Supply of Water to the City and Suburbs of *Glasgow*.

xxii. An Act for providing an enlarged Site for rebuilding the Coal Market in the City of *London*, and for widening the Avenues in the Vicinity thereof, and for effecting other Improvements in the said City.

xxiii. An Act for enabling the Parliamentary Trustees on the River *Clyde* and Harbour of *Glasgow* to acquire a Portion of the Lands of *Stobcross* and adjacent Grounds, and to construct thereon a Wet Dock or Tidal Basin, with certain additional Wharfs and other Works.

xxiv. An Act for improving and maintaining the Harbour or Port of *Sligo* in the County of *Sligo*.

xxv. An Act for constructing a Pier, and forming necessary Approaches thereto, in the Parish of *Weston-super-Mare* in the County of *Somerset*.

xxvi. An Act for amending certain Acts of the Forty-third and Fiftieth Years of the Reign of His late Majesty King *George* the Third, relating to the Port and Harbour of the Town and County of the Town of *Southampton*.

xxvii. An Act for establishing a general Cemetery for the Interment of the Dead in the Neighbourhood of the Towns of *Plymouth, Devonport*, and *Stonehouse*, in the County of *Devon*.

xxviii. An Act for altering, amending, and enlarging the several Acts relating to the Improvement of *Birkenhead, Claughton-cum-Grange*, and Part of *Oxton*, in the County of *Chester*.

xxix. An Act for improving the Borough of *Leicester*.

xxx. An Act for paving, lighting, watching, watering, cleansing, regulating, and otherwise improving the Town of *Southport* in the County Palatine of *Lancaster*, and for establishing and regulating a Market and Market Places therein.

xxxi. An Act for extending the Limits of the Burgh of *Helensburgh* in the County of *Dumbarton*, for lighting, and cleansing the same, for establishing a Police therein, and for other Purposes relating thereto.

xxxii. An Act to erect and constitute the Parishes of *Old* and *New Monkland*, and Parts of the Parishes of *Bothwell* and *Shotts*, in the County of *Lanark*, into One Police District, for the Establishment of an efficient Police Force therein, and for other Purposes relating thereto.

xxxiii. An Act for incorporating the *Gravesend and Milton* Waterworks Company, and for more effectually supplying the Inhabitants of the Town and Parishes of *Gravesend* and *Milton-next-Gravesend* and the Parish of *Northfleet* in the County of *Kent* with Water.

xxxiv. An Act for granting more effectual Powers for supplying with Water the Town of *Bury*, and the several Townships of *Walmersley-cum-Shuttleworth, Bury*, and *Elton*, all in the Parish of *Bury* in the County Palatine of *Lancaster*.

xxxv. An Act to amend the Provisions of Two several Acts passed in the Third and Eighth Years of His Majesty King *George* the Fourth, for supplying with Water the Town of *Liverpool* and *Harrington* and *Toxteth Park* in the County Palatine of *Lancaster*.

xxxvi. An Act for better supplying with Water the Town and Borough of *Sunderland*, and the Neighbourhood thereof, in the County of *Durham*.

xxxvii. An Act for better supplying with Gas the Town and Borough of *Sunderland*, and the Neighbourhood thereof, in the County of *Durham*.

xxxviii. An Act for incorporating the *Rotherham* Gas Light and Coke Company, and for better supplying the Parish of *Rotherham* in the West Riding of the County of *York* with Gas.

xxxix. An Act to enable the *Bilston* Gas Light and Coke Company to light with Gas the Town of *Bilston*, and certain other Townships, Parishes, and Places, in the County of *Stafford*.

xl. An Act for better supplying with Gas the Townships of *Bilton with Harrogate* and *Pannal*, and certain Parts of the Townships of *Knaresborough* and *Scriven with Tentergate*, adjacent thereto or intermixed therewith, all in the West Riding of the County of *York*.

xli. An Act for constructing and maintaining an Arcade between *Argyle Street* and *Great Clyde Street* in the City of *Glasgow*, to be called "The *Union Arcade*," and for altering the Site of an intended Foot Passenger Bridge across the *Clyde* at *Glasgow*.

xlii. An Act for the better and more effectual ascertaining, assessing, collecting, and levying the Poor Rate, and all other Rates and Assessments, in the Parish of *Carshalton* in the County of *Surrey*, and for the better Management of the Business and Affairs of the said Parish; and for other Purposes relating thereto.

xliii. An Act to incorporate the Members of the Institution called "The Royal Asylum of the *Saint Ann's* Society," and to enable them the better to carry on their charitable Designs.

xliv. An Act for forming and regulating "The Electric Telegraph Company," and to enable the said Company to work certain Letters Patents.

xlv. An Act for incorporating the "*Caledonian* Insurance Company;" for enabling the said Company to sue and be sued, to take and to hold Property; for confirming the Rules and Regulations of the said Company; and for other Purposes relating thereto.

xlvi. An Act for maintaining the Road from *Deanburn* in the County of *Haddington*, through *Greenlaw* in the County of *Berwick*, to *Cornhill* in the County of *Durham*, with Branches from *Carfrae Mill* through *Lauder*, from *Orange Lane* to *Swinton*, and from *Coldstream* to *Mount Pleasant*, all in the County of *Berwick*; and for maintaining the Bridge over the River *Tweed* at *Coldstream*.

xlvii. An Act to enlarge the Term and Powers of an Act made in the Sixth Year of the Reign of His Majesty King *George* the Fourth, for repairing and maintaining the Road from *Whiteburn*, upon the Turnpike Road from *Edinburgh* to *Greenlaw*, passing through *Thornydike* and *Westruther* to *Choicelee*, upon the Turnpike Road from *Greenlaw* to *Dunse*, all in the County of *Berwick*.

xlviii. An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for maintaining and regulating the Market in the Parish of* Sidmouth *in the County of* Devon.

xlix. An Act for more effectually supplying Water to the Inhabitants of the Town of *Bolton*, and several Townships and Places adjoining or near thereto, in the County of *Lancaster*.

l. An Act for the better supplying with Gas the Royal Burgh of *Dundee*, Suburbs thereof, and Places adjacent, in the County of *Forfar*.

li. An Act to authorize certain Alterations in the Line of the *Syston and Peterborough* Branch of the *Midland* Railway, and the Formation of certain other Branch Railways in connexion therewith.

lii. An Act for making a Railway from *Maldon*, through *Witham*, to *Braintree*, all in the County of *Essex*.

liii. An Act for making a Railway from the *Eastern Union* Railway in the Parish of *Bentley* to the Town of *Hadleigh*, all in the County of *Suffolk*, to be called "The *Eastern Union and Hadleigh Junction* Railway."

liv. An Act for making a Branch Railway from the *London and Brighton* Railway to or near to the Town of *East Grinstead* in the County of *Sussex*.

lv. An Act to enable the *South-eastern* Railway Company to make and maintain a Railway from the Town of *Rye* to the Mouth of *Rye* Harbour.

lvi. An Act to enable the *South-eastern* Railway Company to construct an additional Station at *Ashford* in the County of *Kent*; and for other Purposes.

lvii. An Act to amend and enlarge the Powers of the Acts relating to the *Edinburgh, Leith, and Granton* Railway.

lviii. An Act for enabling the *Newcastle and Darlington Junction* Railway Company to make a Railway from or near *Thirsk* to *Malton*, with a Branch to *Hemsley*.

lix. An Act for enabling the *York and North Midland* Railway Company to extend the Line of the *Whitby and Pickering* Railway to or near *Castleton*.

lx. An Act to enable the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company to alter their Line near *Kilmarnock*, and to make Branches to *Linwood, Swinlees*, and the *Kilmarnock and Troon* Railway.

lxi. An Act to amend the Acts relating to the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway; and to authorize the Formation of Branches from *Busby* to *Irvine*, and from *Irvine* to the Harbour thereof, with a subsidiary Branch to *Perceton* Coalworks.

lxii. An Act to enable the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company to make a Branch from their Railway near *Blair* to *Strathaven*; and to amend the Acts relating to such Railway.

lxiii. An Act for making Railways from the *Brighton, Lewes, and Hastings* Railway to *Eastbourne*, to *Hailsham*, and to *Seaford* and *Newhaven*, and certain Deviations from the Line of the said Railway, all in the County of *Sussex*.

lxiv. An Act to authorize the *South-eastern* Railway Company to make a Railway from *Tunbridge Wells* to join the *Rye and Ashford* Extension of the *Brighton, Lewes, and Hastings* Railway near *Hastings*.

lxv. An Act for enabling the *York and North Midland* Railway Company to make certain Branch Railways in the East Riding of the County of *York*; and for other Purposes.

lxvi. An Act for enabling the *York and North Midland* Railway Company to make certain Branch Railways in the East Riding of the County of *York*; and for other Purposes.

lxvii. An Act to empower the *London and Birmingham* Railway Company to make a Branch Railway from *Rugby* to the *Syston and Peterborough* Railway near *Stamford*.

lxviii. An Act for making a Branch Railway from the *Brighton and Chichester* Railway to the Town of *Littlehampton* in the County of *Sussex*.

lxix. An Act for making a Branch Railway from the *Brighton and Chichester* Railway to the Town of *Steyning* in the County of *Sussex*.

lxx. An Act to enable the *Edinburgh and Glasgow* Railwaw Company to alter the Line of the *Glasgow Junction* Railway, and to form a Branch to *South Queensferry*.

lxxi. An Act for making a Railway from *London* to *York*, with Branches therefrom providing for the Counties of *Hertford, Bedford, Huntingdon, Northampton, Rutland, Nottingham*, and the

Three Divisions of the County of *Lincoln* a Railway Communication with *London* and *York*, to be called "The *Great Northern* Railway."

lxxii. An Act to enable the *Edinburgh and Northern* Railway Company to purchase the Ferry across the River *Tay* between *Ferry-Port-on-Craig* and *Broughty*.

lxxiii. An Act to empower the *North British* Railway Company to construct certain Branch Railways in connexion with the *Hawick* Branch of the *North British* Railway.

lxxiv. An Act to authorize the Construction of several Branch Railways and other Works in connexion with the *North British* Railway.

lxxv. An Act to enable the *Scottish Midland Junction* Railway Company to make certain Branch Railways; and to amend the Act relating to such Railway.

lxxvi. An Act for making a Railway from the *Eastern Counties* Railway at *Marks Tay* near *Colchester* to the Town of *Sudbury* in the County of *Suffolk*, and the Town of *Halstead* in the County of *Essex*, with a Branch Railway from the *Eastern Union* Railway to the *Hythe* at *Colchester*.

lxxvii. An Act for making a Railway from the *Scarborough* Branch of the *York and North Midland* Railway at *Norton* near *Malton* to the *Bridlington* Branch of the *Hull and Selby* Railway at *Great Driffield*, with a Branch therefrom.

lxxviii. An Act to enable the *Arbroath and Forfar* Railway Company to raise an additional Sum of Money; and to amend the Acts relating to the Company.

lxxix. An Act to enable the *Edinburgh and Northern* Railway Company to alter their Line of Railway near to *Dysart*, to make a Branch Railway from *Kinghorn* to the Harbour of *Pettycur*, and for other Purposes relating to the said Company.

lxxx. An Act to empower the *Manchester and Birmingham* Railway Company to make a Branch Railway to *Bollington*.

lxxxi. An Act for making a Railway from *Glasgow* to *Dumbarton* and *Lochlomond*, and with Branches to *Helensburgh* and other Places, to be called "The *Caledonian and Dumbartonshire Junction* Railway."

lxxxii. An Act for making a Railway from *Oxford* to the *London and Birmingham* Railway at *Bletchley* in the County of *Buckingham*.

lxxxiii. An Act for making a Railway from the *Croydon and Epsom* Railway at *Epsom* to the Town of *Portsmouth*, to be called "The *Direct London and Portsmouth* Railway."

lxxxiv. An Act for making a Railway from *Harecastle* to join the *Manchester and Birmingham* Railway at or near the *Sandbach* Station thereon.

lxxxv. An Act for making a Railway from the *Manchester and Birmingham* Railway at *Macclesfield* to the *Trent Valley* Railway at *Colwich*, with Branches.

lxxxvi. An Act for making a Railway from the *Manchester and Birmingham* Railway at *Macclesfield* to join the *Birmingham and Derby* Line of the *Midland* Railways, with a Branch to *Stoke-upon-Trent*.

lxxxvii. An Act for making a Railway from *Belfast* to *Downpatrick*, with Branches to the Towns of *Holywood*, *Newtownards*, *Bangor*, and *Donaghadee*, all in the County of *Down*.

lxxxviii. An Act for making a Railway from *Great Grimsby* by *Louth* and *Alford* to *Boston*, all in the County of *Lincoln*, to be called "The *East Lincolnshire* Railway."

lxxxix. An Act for enabling the *York and North Midland* Railway Company to make a more direct Line of Railway between *York* and *Leeds*.

xc. An Act for making a Railway, to be called "The *Liverpool, Manchester, and Newcastle-upon-Tyne Junction* Railway," with a Branch to the Town of *Hawes*.

xci. An Act for making a Railway from the *Chester and Birkenhead* Railway to the *Manchester and Birmingham* Railway, with Branches therefrom, to be called "The *Birkenhead, Lancashire, and Cheshire Junction* Railway."

xcii. An Act for making a Railway from the *Leeds and Bradford Extension* Railway to the *Lancaster and Carlisle* Railway, with a diverging Line therefrom to *Lancaster*, to be called "The *North-western* Railway."

xciii. An Act for making a Railway from the Line of the *Syston and Peterborough* Railway in the Parish of *Helpstone*, near to the Town of *Stamford*, to the Line of the *Wisbech* Branch of the *Lynn and Ely* Railway at or near to the Town of *Wisbech*, to be called "The *Boston, Stamford and Birmingham* Railway."

xciv. An Act for improving and maintaining the Harbour of *Port Ellen* in the County of *Argyll*.

xcv. An Act for enabling the *Newcastle and Darlington Junction* Railway Company to make a Railway from the Line of the *Great North of England* Railway to or near to *Boroughbridge*.

xcvi. An Act for enabling the *Newcastle and Darlington Junction* Railway Company to make a Railway from the Line of the *Great North of England* Railway to *Bedale*.

xcvii. An Act to empower the *Eastern Union* Railway Company to complete the *Eastern Union* Railway from the Junction thereof with the Line of the *Eastern Counties* Railway at *Ardleigh* to *Colchester*.

xcviii. An Act for making certain new Lines and Deviations in the Line of the *Great Grimsby and Sheffield Junction* Railway, and for constructing a Branch therefrom to the Town of *Caistor*, all in the Parts of *Lindsey* in the County of *Lincoln*.

xcix. An Act for enabling the *Great Grimsby and Sheffield Junction* Railway Company to make an Extension from the *Market Rasen* Branch from the *Great Grimsby and Sheffield Junction* Railway to communicate with the City of *Lincoln*, and also a Branch to the Town of *Barton-upon-Humber*, and other Works connected therewith.

c. An Act to authorize the *Great Grimsby and Sheffield Junction* Railway Company to make an Extension from their Line of Railway in the Parish of *Bole* in the County of *Nottingham*, to the Town of *Newark-upon-Trent* in the same County.

ci. An Act for establishing a Steam Communication across the River *Humber* in connexion with "The *Great Grimsby and Sheffield Junction* Railway."

cii. An Act to empower the *Midland* Railway Company to make a Railway from *Pye Bridge* to the *Clay Cross* Station of the *Midland* Railway, and a Branch in the Parish of *Crich*.

ciii. An Act for making a Railway from *Aberdeen* to *Inverness*, with Branches to *Banff*, *Portsoy*, *Garmouth*, and *Burghead*, to be called "The *Great North of Scotland* Railway."

civ. An Act to enable the *Ballochney* Railway Company to improve the Gauge of their Rails.

cv. An Act for making a Railway Communication between the City of *Bristol* and the proposed *South Wales* Railway in the County of *Monmouth*, with a Branch Railway therefrom.

cvi. An Act for amending an Act passed in the Thirtieth Year of the Reign of His late Majesty King *George* the Third, for making and maintaining a navigable Communication between *Stowmarket* and *Ipswich* in the County of *Suffolk*, so as to enable the Trustees of such Act to lease the said Navigation; and for other Purposes connected therewith.

cvii. An Act to enable the *Slamannan* Railway Company to make a Railway to *Borrowstouness*, with Branches to the *Edinburgh and Glasgow* Railway.

cviii. An Act for making a Pier from the *Common Hard* at the Eastern or *Portsmouth* Side of the Harbour of *Portsmouth* in the Parish of *Portsea* in the County of *Southampton*.

cix. An Act for enabling the Trustees of the *Liverpool* Docks to construct additional Wet Docks and other Works, and to raise a further Sum of Money; and for extending and amending the Acts relating to the Docks and Harbour of *Liverpool*.

cx. An Act for constructing Docks and other Works at *Coble Dean* in the County of *Northumberland*, and in the Borough and County of *Newcastle-upon-Tyne*, to be called "The *Northumberland* Docks."

cxi. An Act for better supplying with Water the Inhabitants of the City of *Lincoln*, and certain Parishes and Places adjacent thereto in the County of *Lincoln*.

cxii. An Act for the better supplying with Water the Town and Borough of *Warrington*, or Parts thereof, in the Counties of *Lancaster* and *Chester*, and the Townships of *Latchford* and *Appleton* in the last-mentioned County.

cxiii. An Act for supplying with Water the Hamlets or Places of *High* and *Low Harrogate* in the several Townships of *Knaresborough*, *Pannal Bilton-with-Harrogate*, and *Scriven-with-Tentergate*, in the Parishes of *Knaresborough* and *Pannal*, in the West Riding of the County of *York*.

cxiv. An Act for better supplying with Gas the Town and Borough of *Stafford*, and the several Parishes and Townships of *Saint Mary* and *Saint Chad* in *Stafford*, *Castle Church*, *Hopton* and *Coton*, and *Tillington*, all in the County of *Stafford*.

cxv. An Act for lighting with Gas and supplying with Water the Town of *Hartlepool* and the Neighbourhood thereof in the County of *Durham*.

cxvi. An Act for better supplying with Gas and Water the Town and Parish of *Kendal* in the County of *Westmoreland*.

cxvii. An Act for lighting with Gas the Parish and Borough of *Great Grimsby* in the County of *Lincoln*.

cxviii. An Act for supplying and lighting the Town of *Hamilton* and Places adjacent thereto with Gas.

cxix. An Act for better paving, lighting, cleansing, regulating, and improving the Town of *Burnley* in the County Palatine of *Lancaster*, and for better supplying the Inhabitants thereof with Water.

cxx. An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of* Liverpool *to open and widen certain Streets and Places, and otherwise to improve the same; and to enable the said Mayor, Aldermen, and Burgesses to appropriate certain Lands, Tenements, and Hereditaments for public Purposes, and also to erect public Buildings*.

cxxi. An Act for lighting with Gas the Borough of *Newcastle-upon-Tyne*, and for varying and extending the Powers of the several Acts for regulating and improving the said Borough.

cxxii. An Act for paving the Footways in the Town of *Sittingbourne* in the Parish of *Sittingbourne*, in the County of *Kent*, and for lighting the Streets, and for the Removal and Prevention of Nuisances and Annoyances within the said Parish.

cxxiii. An Act for widening, altering, and improving certain Streets within the City of *York*; and for other Purposes.

cxxiv. An Act for paving, cleansing, draining, and improving the Town of *Bromsgrove*, for opening a new Street therein and in the Parish of *Stoke Prior*, both in the County of *Worcester*, and for the better assessing and collecting the Poor, Church, and Highway Rates within the Parish of *Bromsgrove*.

cxxv. An Act for regulating the Repair and Maintenance of the Roads and Streets within the Town of *Leith*, and the Assessments payable in respect thereof.

cxxvi. An Act for more effectually regulating the *Salford* Hundred Court, for extending the Jurisdiction and Powers of the said Court, and for establishing and constituting it as a Court of Record.

cxxvii. An Act for the Improvement of the Sewerage and Drainage of the Borough of *Liverpool*, and for making further Provisions for the sanatory Regulation of the said Borough.

cxxviii. An Act for improving the Drainage of the Vallies of the *Rye* and *Derwent* in the North and East Ridings of the County of *York*.

cxxix. An Act for making a Railway from *Exeter* to *Exmouth*, to be called "The *Exeter and Exmouth* Railway."

cxxx. An Act for making a Railway from the *Pollock and Govan* Railway to the River *Clyde* and Harbour of *Glasgow*, with Branches to be called "The *General Terminus and Glasgow Harbour* Railway."

cxxxi. An Act for amending the Acts relating to the *London and South-western* Railway Company; and to authorize the said Company to enter into Contracts and to complete Arrangements with certain other Railway Companies.

cxxxii. An Act for enabling the *Norfolk* Railway Company to purchase or lease the *Lowestoft* Railway, Harbour, and Navigation.

cxxxiii. An Act to enable the *Dundee and Arbroath* Railway Company to make a Railway from their Line at *Broughty* to *Broughty Ferry Castle*, and another Railway from their Line at *Geordies Burn* to the *Arbroath and Forfar* Railway at *Almeriecloss*.

cxxxiv. An Act for making a Railway from *Kintore* to *Alford*, to be called "The *Alford Valley* Railway."

cxxxv. An Act for making a Railway from *Dyce* to *Fraserburgh*, with a Branch to *Peterhead*, to be called "The *Great North of Scotland* (*Eastern Extension*) Railway."

cxxxvi. An Act to enable the *Edinburgh and Northern* Railway Company to extend their Line of Railway from *Cupar* to *Newport*.

cxxxvii. An Act for making a Railway from the Town of *Oban* to *Crianlarich*, in the County of *Perth* with a Branch to *Lochlomond*, to be called "The *Scottish Grand Junction* Railway."

cxxxviii. An Act to enable the *Edinburgh and Northern* Railway Company to make a Railway from their Line at *Thornton* to *Dunfermline*.

cxxxix. An Act to enable the *Edinburgh and Northern* Railway Company to make a Railway from *Newburgh* to the *Scottish Central* Railway at *Hilton*.

cxl. An Act to enable the *Great Leinster and Munster* Railway Company to extend their Railway to *Clonmel*.

cxli. An Act for making a Railway from and out of the *Glasgow, Barrhead, and Neilston Direct* Railway near to *Pollokshaws* to the Town of *Strathaven*.

cxlii. An Act to enable the *Glasgow, Barrhead, and Neilston Direct* Railway Company to make Branch Railways to *Thornliebank* and *Househill;* and to amend the Act relating to such Railway.

cxliii. An Act to enable the *Glasgow, Paisley, and Greenock* Railway Company to make a Branch Railway to the River and Frith of *Clyde* at or near *Greenock*, and a Pier or Wharf in connexion therewith.

cxliv. An Act for extending the Time for taking Lands, and for completing the Undertaking called "The *Thames Haven* Dock and Railway," authorized to be made by Two Acts passed in the Seventh Year of the Reign of His late Majesty, and the Sixth Year of the Reign of Her present Majesty.

cxlv. An Act to enable the *Bridgewater and Taunton* Canal Company to make a Railway from *Bridgewater* to the *Bristol Channel* at or near *Stolford* in the County of *Somerset*, with Branches therefrom, and to make a Harbour at or near *Stolford*.

cxlvi. An Act for constructing Docks, Walls, Warehouses, and other Works at *Toxteth Park* in the County of *Lancaster*, to be called "The *Herculaneum* Docks."

cxlvii. An Act to authorize the Sale of the *Monkland* Navigation to the Company of Proprietors of the *Forth and Clyde* Navigation.

cxlviii. An Act for making a Railway from the Borough of *Cork* through *Blackrock* to the Town of *Passage West*.

cxlix. An Act to enable the *Leeds and Thirsk* Railway Company to make a Railway from *Northallerton* to the *Stockton and Hartlepool* Railway.

cl. An Act to enable the *Scottish Central* Railway Company to make a Branch Railway by *Alloa Ferry* to *Tillicoultry*.

cli. An Act to enable the *Slamannan* Railway Company to make Branch Railways to *Bathgate* and *Jawcraig*.

clii. An Act to empower the *London and Birmingham* Railway Company to enlarge their Stations in *London;* and for other Purposes.

cliii. An Act for enabling the *Leeds and Thirsk* Railway Company to make certain Deviations in the Line of the *Saint Helens* Branch of the said Railway.

cliv. An Act to enable the *Leeds and Thirsk* Railway Company to alter and extend the Line of Part of their Railway; and for other Purposes.

clv. An Act for making a Railway from or near the *Ambergate* Station of the *Midland* Railway, through *Nottingham*, to *Spalding* and *Boston*, with Branches therefrom, and for enabling the Company to purchase the *Nottingham* and *Grantham* Canals.

clvi. An Act to empower the *Midland* Railway Company to make several Branches from the *Erewash Valley* Railway.

clvii. An Act to empower the *Midland* Railway Company to make a Railway from the *Midland* Railway at *Clay Cross* to join the *Nottingham and Lincoln* Railway, with Branches.

clviii. An Act for making a Railway from *Ferryhill* near *Aberdeen* to *Aboyne*, to be called "The *Deeside* Railway."

clix. An Act for making a Railway from the *Glasgow, Barrhead, and Neilston Direct* Railway to the Town of *Kilmarnock*, with certain Branches therefrom, to be called "The *Glasgow, Kilmarnock, and Ardrossan* Railway," and to purchase the *Ardrossan* Railway and Harbour.

clx. An Act to enable the *Wilsontown, Morningside and Coltness* Railway Company to make a Branch to the *Caledonian* Railway.

clxi. An Act to enable the *Wilsontown, Morningside and Coltness* Railway Company to improve their Line, and to make Branch Railways to *Shotts* and *Climpy*.

clxii. An Act to enable the *Wilsontown, Morningside, and Coltness* Railway Company to make a Branch Railway to the Town of *Bathgate*.

clxiii. An Act to empower the *Midland* Railway Company to make a Railway from *Nottingham* to *Mansfield*.

clxiv. An Act for making a Railway from *Knaresborough* to or near to the City of *York*, to be called "The *East and West Yorkshire Junction* Railway."

clxv. An Act for making a Railway from the *Edinburgh and Glasgow* Railway to the *Scottish Central* Railway, to be called "The *Stirlingshire Midland Junction* Railway."

clxvi. An Act for making a Railway from the *Great Western* Railway at *West Drayton* to *Uxbridge* in *Middlesex*.

clxvii. An Act for making a Railway from *Wexford* to *Carlow*.

clxviii. An Act for extending and altering some of the Provisions of the Acts relating to the *Great Leinster and Munster* Railway.

clxix. An Act to empower the *Norfolk* Railway Company to make a Railway Communication between the *Dereham* Branch of the *Norfolk* Railway and the Towns of *Wells* and *Blakeney* in the County of *Norfolk*.

clxx. An Act for making a Railway from *Royston* to *Hitchin*.

clxxi. An Act for making a Railway from *Reading* to *Guildford* and *Reigate*.

clxxii. An Act for making a Railway from *Chesterford* to *Newmarket*, with a Branch to *Cambridge*.

clxxiii. An Act to enable the *London and Southwestern* Railway Company to make a Branch

Railway to *Farnham* in the County of *Surrey* and *Alton* in the County of *Southampton.*

clxxiv. An Act to enable the *London and Southwestern* Railway Company to make a Branch Railway to *Chertsey* and *Egham* in the County of *Surrey.*

clxxv. An Act to enable the *London and Southwestern* Railway Company to make a Branch Railway to *Hampton Court Bridge* in the County of *Surrey,*

clxxvi. An Act for making a Railway from the *Scottish Central* Railway at *Dunblane* by *Doune* to *Callander,* to be called "The *Dunblane, Doune, and Callander* Railway."

clxxvii. An Act for making a Railway from *Skipton* to *York,* to be called "The *Wharfdale* Railway."

clxxviii. An Act for making a Railway from *Stotfield* and *Lossiemouth* Harbour to *Elgin, Rothes,* and *Craigellachie,* to be called "The *Morayshire* Railway."

clxxix. An Act to enable the *Monkland and Kirkintilloch* Railway Company to make Branch Railways to *Chapel Hall* and the *Glasgow, Garnkirk, and Coatbridge* Railway.

clxxx. An Act to enable the *Scottish Central* Railway Company to make a Branch Railway to *Denny* in the County of *Stirling.*

clxxxi. An Act for making a Railway from the *Yeovil* Branch of the *Bristol and Exeter* Railway to or towards the Town of *Crewkerne* in the County of *Somerset;* and for amending the Acts relating to the *Bristol and Exeter* Railway.

clxxxii. An Act for vesting the *Aylesbury* Railway in the *London and Birmingham* Railway Company.

clxxxiii. An Act to enable the *Saint Helens* Canal and Railway Company to make a Railway from the Township of *Eccleston* to the Township of *Garston,* with Branches therefrom, and Docks at *Garston* aforesaid, all in the County of *Lancaster.*

clxxxiv. An Act for making a Harbour and Docks at *Heysham* on *Morecambe Bay* in the County of *Lancaster,* and a Railway in connexion therewith.

clxxxv. An Act to empower the *Wakefield, Pontefract, and Goole* Railway Company to make Three several Branch Railways.

clxxxvi. An Act for erecting the Town or Village of *Ardrossan* and Places adjacent in the County of *Ayr* into a Burgh of Barony; for paving, lighting, and cleansing the same; for establishing a Police therein; and for other Purposes relating thereto.

clxxxvii. An Act for enabing the *Sheffield, Ashton under Lyne, and Manchester* Railway Company to provide additional Station Room at *Sheffield,* and also to make a Branch Railway to *Dukinfield,* and to purchase and maintain a Branch already made from their Main Line to *Glossop;* and for other Purposes.

clxxxviii. An Act to enable the *Glasgow, Paisley, and Greenock* Railway Company to make a Branch Railway to the *Pollock and Govan* Railway; and to amend the Acts relating to the said Railway.

clxxxix. An Act to enable the *Scottish Central* Railway Company to make certain Terminal Branches and other Works at the City of *Perth.*

cxc. An Act for making a Railway from the *Edinburgh and Northern* Railway at *Markinch* to *Anstruther Easter,* with a Branch to the *Kirkland* Works, to be called "The *East of Fife* Railway."

cxci. An Act to enable the *Scottish Central* Railway Company to make a Branch Railway to *Crieff* in the County of *Perth.*

cxcii. An Act for making a Railway from the *Manchester and Birmingham* Railway at *Cheadle* in the County of *Chester* to or near to the *Ambergate* Station of the *Midlands* Railway in the County of *Derby,* to be called "The *Manchester, Buxton, Matlock, and Midlands Junction* Railway."

cxciii. An Act for enabling the *Grand Junction* Railway Company to make a Branch Line of Railway from *Huyton* to *Warrington;* and for amending the former Acts relating to the said Company.

cxciv. An Act for making a Railway from the Town of *Mallow* to the Town of *Fermoy.*

cxcv. An Act for making a Railway from the City or Borough of *Limerick* to the Borough of *Ennis,* with Branches to the Towns of *Clare* and *Killaloe,* and to join the *Great Southern and Western* Railway.

cxcvi. An Act to enable the *Great Southern and Western* Railway Company to extend their Railway from their present Terminus in the City of *Cork* to the River *Lee* in tho same City.

cxcvii. An Act for making a Railway from the *Great Southern and Western* Railway at the Townland of *Carne* or *Curraghane* to the Town of *Mountmellick.*

cxcviii. An Act for completing a Railway Communication between the Town of *Clonmel* and the *Great Southern and Western* Railway at or near the Town of *Thurles.*

cxcix. An Act for making a Railway from *Dublin* to *Dundrum* and *Rathfarnham,* to be called "The *Dublin, Dundrum, and Rathfarnham* Railway."

cc. An Act for making a Railway from the Town of *Mallow* to the Town of *Killarney,* to be called "The *Killarney Junction* Railway.

cci. An Act for making a Railway from the *Glasgow, Barrhead,* and *Neilston Direct* Railway to the *Caledonian* Railway.

ccii. An Act for making a Railway from *Stirling* to *Dunfermline,* with Branches to *Tillicoultry* and to *Alloa Harbour,* to be called "The *Stirling and Dunfermline* Railway."

cciii. An Act to enable the *Midland* Railway Company to make a Railway from *Burton-upon-Trent* to *Nuneaton,* with Branches, and to purchase the *Ashby-de-la-Zouch* Canal.

cciv. An Act to consolidate the *London and Birmingham Grand Junction,* and *Manchester and Birmingham* Railway Companies.

ccv. An Act to enable the *Eastern Counties* Railway Company to make a Railway from *Epping* to a Point of Junction with the *Colchester* Line of the *Eastern Counties* Railway at or near the Ilford Station thereon.

ccvi. An Act to enable the *Wishaw and Coltness* Railway Company to make a Branch Railway from the *Wishaw and Coltness* Railway to *Murdieston,* with a Branch to *Goodockhill.*

ccvii. An Act for enabling the *Newcastle and Berwick* Railway Company to make a certain Branch Railway in the County of *Northumberland.*

ccviii. An Act for making a Railway and Branch Railway, to be called "The *Waterford, Wexford, Wicklow, and Dublin* Railway."

ccix. An Act for making and maintaining a Railway from *Templemore* to *Nenagh.*

ccx. An Act to enable the *Midland Great Western* Railway of *Ireland* Company to make a Deviation in the authorized Line of the said Railway, and also a Branch Railway to the River *Liffey.*

ccxi. An Act to enable the *Kilmarnock and Troon* Railway Company to let on Lease their Railway to the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company; and to authorize the said *Glasgow, Paisley, Kilmarnock and Ayr* Railway Company to alter Parts of the said *Kilmarnock and Troon* Railway, and to construct certain Branch Railways in connexion therewith.

ccxii. An Act for empowering the *Wakefield, Pontefract, and Goole* Railway Company to construct a Jetty and other Works, and to provide a Station, Coal Staiths, and other Conveniences, at the Port of *Goole;* and for other Purposes relating to the said Port.

ccxiii An Act for extending the Line of the *Dublin and Kingstown* Railway to the *Bridge of Bray* in the County of *Dublin.*

ccxiv. An Act to provide for the Repair of the Parish Church of *South Leith* in the County of *Edinburgh,* and for the Administration of the Property and Revenues thereof; to alter the existing Mode of electing a Minister to the Second Charge of the said Church and Parish; to confirm the Proceedings of the Heritors of the said Parish relating to the Purchase of a suitable House as a Manse; and to effect other Objects in connexion with the said Church and Parish.

ccxv. An Act to enable the *Chard* Canal Company to convert into a Railway the Portion of the *Chard* Canal from *Creech Saint Michael* to *Ilminster,* all in the County of *Somerset.*

ccxvi. An Act for lighting with Gas the Town and Borough of *Stockton* and other Places in the Counties of *Durham* and *York.*

ccxvii. An Act for better supplying with Gas the City of *Worcester* and the Suburbs thereof.

ccxviii. An Act for regulating the Markets and Fairs in the Borough and Town of *Yeovil* in the County of *Somerset.*

ccxix. An Act for providing Market Places and for regulating the Markets and Fairs in the Borough of *Manchester* in the County Palatine of *Lancaster.*

ccxx. An Act for more effectually supplying with Water the City of *Bath,* and several Parishes and Places adjacent thereto.

ccxxi. An Act for better supplying with Water the Town and Borough of *Newport* in the County of *Monmouth.*

ccxxii. An Act for supplying with Water the City of *Bristol* and certain Parishes adjacent thereto in the Counties of *Gloucester* and *Somerset.*

ccxxiii. An Act to amend the Acts relating to the *Witham* Navigation, and to reduce the Tolls on the said Navigation.

ccxxiv. An Act to enable the *Midland Great Western* Railway of *Ireland* Company to make a Railway from *Mullingar* to *Athlone.*

ccxxv. An Act for better assessing and collecting the Poor Rates, Highway Rates, Borough Rates, County Rates, Lighting, Watching, and Cleansing Rates, and all other Parochial Rates, on small Tenements, in the Parish of *Aston juxta Birmingham* in the County of *Warwick.*

ccxxvi. An Act for better raising and more securely constituting the Fund for the Relief of Widows and Children of Burgh and Parochial Schoolmasters in *Scotland.*

ccxxvii. An Act for more effectually maintaining and repairing certain Roads in the Counties of *Banff, Aberdeen,* and *Elgin.*

ccxxviii. An Act to enable the *Dundee and Perth* Railway Company to alter their Line at *Inchyra* and *Lairwell,* and to extend the same towards the Penitentiary at *Perth.*

ccxxix. An Act to enable the *Caledonian* Railway Company to make Branch Railways from the *Castlecary* Branch of the *Caledonian* Railway to the *Glasgow, Garnkirk, and Coatbridge* Railway.

ccxxx. An Act for enabling the *Sheffield, Ashton-under-Lyne, and Manchester* Railway Company to make Branch Railways from or in connexion with their Main Line of Railway to *Whaley Bridge* and *Hayfield,* to be called "The *Whaley Bridge and Hayfield* Branches."

ccxxxi. An Act for vesting in the *Grand Junction* Railway Company and the *Manchester and Leeds* Railway Company the *North Union* Railway, and all the Works, Property, and Effects appertaining thereto.

ccxxxii. An Act for making a Railway from *Birmingham* to *Lichfield,* to be called "The *Birmingham, Lichfield, and Manchester* Railway."

ccxxxiii. An Act for making a Railway from the *Oxford and Bletchley Junction* Railway to *Buckingham* and *Brackley.*

ccxxxiv. An Act to enable the *London and Croydon* Railway Company to construct a Branch to *Deptford;* and for amending the Acts relating to such Railway.

ccxxxv. An Act for enabling the *Newcastle and Darlington Junction* Railway Company to purchase the *Durham and Sunderland* Railway and the *Wearmouth* Dock.

ccxxxvi. An Act for making a Railway from the *Great Western* Railway at *Maidenhead* in *Berkshire* to the Town of *High Wycombe* in the County of *Buckingham.*

ccxxxvii. An Act for making a Railway from *Johnstone* to the *Bridge of Weir,* with a Branch to *Kilbarchan,* to be called "The *Ayrshire and Bridge of Weir* Railway."

ccxxxviii. An Act for making a Railway from *Ashburton* in the County of *Devon* to join the *South Devon* Railway.

ccxxxix. An Act for extending the Line of the *South Wales* Railway, and for making certain Alterations of the said Railway, and certain Branch Railways in connexion therewith.

ccxl. An Act for making a Railway from *Gloucester* to the *Monmouth and Hereford* Railway, and to the *South Wales* Railway at *Awre,* to be called "The *Gloucester and Dean Forest* Railway."

ccxli. An Act for enabling the *Hull and Selby* Railway Company to lease and also to sell their Railway to the *York and North Midland* and *Manchester and Leeds* Railway Companies, or one of them; and to authorize the raising of additional Money by both or either of the last-mentioned Companies for those and other Purposes.

ccxlii. An Act for enabling the *Great North of*

England Railway Company to lease and also to sell their Railway to the *Newcastle and Darlington Junction* Railway Company; and to authorize the raising of additional Money by the said last-mentioned Company for those and other Purposes.

ccxliii. An Act for vesting the *Leicester and Swannington* Railway in the *Midland* Railway Company.

ccxliv. An Act for carrying into effect certain Arrangements between the *London and Birmingham* Railway Company and the Company of Proprietors of the *Birmingham* Canal Navigations, and for granting certain Powers to the said respective Companies.

ccxlv. An Act for making a Railway from *Newry* in the Counties of *Armagh* and *Down* to *Rostrevor* in the County of *Down*, with a Branch to *Warrenpoint* in the same County.

ccxlvi. An Act for making a Railway from *Preston* in the County Palatine of *Lancaster* to *Clitheroe* in the same County Palatine.

ccxlvii. An Act to authorize the widening and Enlargement of Part of the Line of the *York and North Midland* Railway, or the Construction and Maintenance of a Railway adjoining thereto.

ccxlviii. An Act to empower the *London and Birmingham* Railway Company to extend their Line at *Leamington*, and to enlarge their Stations at *Coventry* and *Rugby;* and for other Purposes.

ccxlix. An Act to enable the *Caledonian* Railway Company to deviate the Line of the said Railway in the Vicinity of *Carlisle*.

ccl. An Act to authorize the *North Wales Mineral* Railway Company to make certain Branches, and also to make a Deviation in their present Line of Railway.

ccli. An Act for the Consolidation of the *Shrewsbury, Oswestry, and Chester Junction* and the *North Wales Mineral* Railway Campanies.

cclii. An Act for authorizing the Sale of the *Guildford Junction* Railway, and for enabling the Purchasers to maintain the same, and to make and maintain a Railway therefrom to *Godalming*, and from the *London and South-western* Railway at *Fareham* to *Portsmouth*.

82

ccliii. An Act for making a Railway from the *Trent Valley* Railway near *Nuneaton* to the *Midland* Railway in the Parish of *Wigston Magna* in the County of *Leicester*, to be called "The *Coventry, Nuneaton, Birmingham, and Leicester* Railway."

ccliv. An Act to empower the *Midland* Railway Company to extend their Line at *Birmingham;* and for other Purposes.

cclv. An Act to authorize the Purchase of the *Oakham* Canal by the *Midland* Railway Company.

cclvi. An Act for making a Railway to connect the *Saundersfoot* Railway with the *South Wales* Railway, with the Harbour of *Saundersfoot*, and with the Town of *Tenby*, to be called "The *Tenby, Saundersfoot, and South Wales* Railway;" and for other Purposes.

cclvii. An Act to enable the *Lancaster and Carlisle* Railway Company to extend and enlarge their Station and extend their Railway at *Carlisle;* and for other Purposes.

cclviii. An Act to enable the *Eastern Counties* Railway Company to enlarge their Stations in *London* and at *Stratford;* and for other Purposes.

cclix. An Act for enabling the *Huddersfield and Manchester* Railway and Canal Company to divert their Main Line of Railway in *Huddersfield*, and to make a Branch therefrom near *Cooper Bridge* in the Township of *Huddersfield*.

cclx. An Act for making a Railway from the *Great North of England* Railway at *Thirsk* in the North Riding of *Yorkshire* to the *Lancaster and Carlisle* Railway at *Clifton* in *Westmorland*, and a Railway from *Bishop Auckland* in the County of *Durham* to the *Lancaster and Carlisle* Railway at *Tebay* in *Westmorland*, to be called "The *Northern Counties Union* Railway."

cclxi. An Act for enabling the *Grand Junction* Railway Company to make certain Branch Lines of Railway, to be called "The *Huyton and Aston* Branch," "The *Huyton, Prescot, and Saint Helens* Branch," "The *Warrington and Kenyon* Branch," "The *Warrington and Parkside* Branch," and "The *Edgehill and Huyton* Branch;" and for amending the former Acts relating to the said Company.

cclxii. An Act for altering, amending, and enlarging the Powers of the *Leeds, Dewsbury and Manchester* Railway Act, 1845, and for authorizing certain Deviations from the Line and Levels of the said Railway, and for making and maintaining certain Branches and Extensions therefrom.

cclxiii. An Act for making a Railway from *Glasgow* to *Airdrie*, with Branches to the *Clydesdale Junction* Railway and to *Mile End*, to be called "The *Glasgow, Airdrie, and Monklands Junction* Railway."

cclxiv. An Act for enabling the *Newcastle and Darlington Junction* Railway Company to make certain Branch Railways in the County of *Durham;* and for other Purposes.

cclxv. An Act for making a Railway, with Branches therefrom, in the County of *Lancaster* and West Riding of the County of *York*, to be called "The *Blackburn, Clitheroe, and North-western Junction* Railway."

cclxvi. An Act for making certain Branches from the Line of the *Blackburn and Preston* Railway in the County of *Lancaster;* and for amending the Acts relating thereto.

cclxvii. An Act for vesting in the *Sheffield, Ashton-under-Lyne, and Manchester* Railway Company the *Peak Forest* Canal and the *Macclesfield* Canal.

cclxviii. An Act to amalgamate the *Sheffield, Ashton-under-Lyne, and Manchester* Railway Company, the *Sheffield and Lincolnshire Junction*, the *Sheffield and Lincolnshire Extension*, and the *Great Grimsby and Sheffield* Railway Companies, and the *Grimsby* Dock Company.

cclxix. An Act for consolidating the *Dudley* Canal Navigation with the *Birmingham* Canal Navigations; and for other Purposes.

cclxx. An Act to amend The *Ely and Huntingdon* Railway Act.

cclxxi. An Act to enable the Company of Proprietors of the *Manchester, Bolton, and Bury* Canal Navigation and Railway to raise an additional Sum of Money; and to amend the Acts relating to that Company.

cclxxii. An Act for enabling the *Leeds and Bradford* Railway Company to alter the Levels of a Portion of the Line of their Railway in the Parish of *Bingley* in the West Riding of the County of *York*.

cclxxiii. An Act for widening the Line of "The *London and Blackwall* Railway;" and for amending the Acts relating to the said Railway.

cclxxiv. An Act to authorize the *Shrewsbury, Oswestry, and Chester Junction* Railway Company to make Railways to *Crickheath* and *Wem*, and to raise additional Capital for those Purposes.

cclxxv. An Act to authorize the *Shrewsbury, Oswestry, and Chester Junction* Railway Company to make an Extension into *Shrewsbury*, and certain Alterations and Deviations in their Line of Railway.

cclxxvi. An Act to enable the *East Lancashire* Railway Company to alter the Line and Levels of such Railway and to make Branches therefrom; and for other Purposes relating thereto.

cclxxvii. An Act to incorporate the *Huddersfield and Sheffield Junction* Railway Company with the *Manchester and Leeds* Railway Company.

cclxxviii. An Act to authorize certain Alterations in the Line of the *Oxford, Worcester, and Wolverhampton* Railway; and to amend the Act relating thereto.

cclxxix. An Act to enable the *Furness* Railway Company to extend their Line to *Broughton* and to *Ulverstone*, and to make Branches therefrom; and to amend the Act relating thereto.

cclxxx. An Act to amend "The *Ipswich and Bury Saint Edmunds* Railway Act, 1845;" and for making a Railway from the said *Ipswich and Bury Saint Edmunds* Railway to *Norwich*, with a Branch therefrom.

cclxxxi. An Act for making a Branch Railway from the *London and Brighton* Railway in the Parish of *Croydon* to join the *South-western* Railway in the Parish of *Wandsworth* in the County of *Surrey*.

cclxxxii. An Act to incorporate the *Liverpool and Bury* Railway Company with the *Manchester and Leeds* Railway Company.

cclxxxiii. An Act to consolidate and unite the *London and Brighton* and the *London and Croydon* Railway Companies, and the Undertakings belonging to them.

cclxxxiv. An Act for incorporating the Proprietors of the *Sheffield* General Cemetery in the Township of *Ecclesall Bierlow* in the Parish of *Sheffield* in the West Riding of the County of *York*, and for enlarging and improving the said Cemetery; and for other Purposes connected therewith.

cclxxxv. An Act for supplying with Water the Town of *Kilmarnock*, Suburbs thereof, and Places adjacent.

cclxxxvi. An Act for the better supplying with Water the Town or Village of *Heywood* and Places adjacent thereto in the County Palatine of *Lancaster*.

cclxxxvii. An Act for better supplying with Water the Town and Parish of *Chorley* in the County Palatine of *Lancaster*.

cclxxxviii. An Act for supplying with Water the Towns of *Airdrie* and *Coatbridge*, and Places adjacent, in the County of *Lanark*.

cclxxxix. An Act to extend the Municipal Boundaries of the City of *Glasgow;* to amend the Acts relating to the Police and Statute Labour of the said City and adjoining Districts; and for other Purposes in relation to the Municipality and Police of the said City.

cxc. An Act authorizing the Sale of the *Cromford* Canal and other Property of the *Cromford* Canal Company.

ccxci. An Act to alter and extend the Provisions of the Acts for improving the Navigation of the River *Severn*.

ccxcii. An Act for improving, preserving, maintaining, and better regulating the Port and Harbour of *Waterford;* and for other Purposes relating thereto.

ccxciii. An Act for better lighting, paving, cleansing, draining, regulating, and improving the Borough of *Bury* in the County Palatine of *Lancaster*, and for otherwise promoting the Health and Convenience of the Inhabitants.

ccxciv. An Act for better lighting and improving the Borough of *Belfast*.

ccxcv. An Act for paving, lighting, cleansing, and otherwise improving the Town of *Wath-upon-Dearne* in the County of *York*, and for removing and preventing Nuisances and Annoyances therein.

ccxcvi. An Act for repealing an Act of the Parliament of *Scotland* passed in the Sixth Session of the First Parliament of King *William* (1696), intituled *An Act in favours of the Heritors adjacent to the* Pow of Inchaffray; and for more effectually draining and improving Lands adjacent to the River or Stream called the *Pow of Inchaffray*, in the County of *Perth*.

ccxcvii. An Act for better draining and improving certain Low, Marsh, and Fen Lands lying between *Boston Haven* and *Bourn* in the County of *Lincoln*, and for further improving the Navigation through such Lands.

cxcviii. An Act for amending Two several Acts, passed respectively in the Second and Seventh Years of the Reign of Her present Majesty, for draining and embanking certain Lands in *Lough Swilly* and *Lough Foyle* in the Counties of *Donegal* and *Londonderry*.

ccxcix. An Act for regulating the Muncipal Government and Police of the Royal Burgh of *Rothesay*.

ccc. An Act for making a Railway, to be called "The *South Staffordshire Junction* Railway," with Branches.

ccci. An Act for enabling the *Leeds and Bradford* Railway Company to make a Junction Line at *Bradford* in the West Riding of the County of *York*.

cccii. An Act to unite and consolidate the *Blackburn and Preston* Railway Company with the *East Lancashire* Railway Company.

ccciii. An Act for making a Railway from *Newport* to *Abergavenny* and *Hereford*, with Branches therefrom.

ccciv. An Act for making a Railway from *Sheffield* to *Gainsborough*, with Branches.

cccv. An Act to enable the *South-eastern* Railway Company to make a Railway from the *London and Greenwich* Railway to *Woolwich* and *Gravesend*.

cccvi. An Act to enable the *Manchester and Leeds* Railway Company to make several Branch Railways, and to authorize the Amalgamation of the *Preston and Wyre* Railway, Harbour, and Dock Company with the *Manchester and Leeds* Railway Company.

cccvii. An Act for making a Railway from *Shrewsbury* to *Wolverhampton*, with a Branch, to be called "The *Shrewsbury and Birmingham* Railway."

cccviii. An Act for making a Railway from

Shrewsbury to *Wolverhampton*, to be called "The *Shrewsbury, Wolverhampton, and South Staffordshire Junction* Railway."

cccix. An Act to empower the *London and Birmingham* Railway Company to make a Branch from the said Railway to the *Blisworth* and *Peterborough* Branch thereof.

cccx. An Act to enable the *Blackburn, Darwen, and Bolton* Railway Company to alter the Line of Part of their Railway.

cccxi. An Act for enabling the *Midland* Railway Company to alter a Portion of the *Leicester and Swannington* Railway, and to make certain Branches.

cccxii. An Act for amending the Act relating to the *Liverpool and Bury* Railway, and for making Branches therefrom.

cccxiii. An Act to authorize certain Alterations and extensions of the Line of the *Wilts, Somerset, and Weymouth* Railway.

cccxiv. An Act to enable the *Caledonian* Railway Company to form certain Branch and Terminal Railways in the Vicinity of *Glasgow*.

cccxv. An Act for making Railways from *Birmingham* to *Wolverhampton* and *Dudley*, to be called "The *Birmingham, Wolverhampton, and Dudley* Railway."

cccxvi. An Act for making a Railway from *Walsall* in the County of *Stafford* to the *Midland* Railways at *Wichnor Forge* in *Tatenhill*, to be called "The *Trent Valley, Midlands, and Grand Junction* Railway."

cccxvii. An Act for making a Railway from the Line of the *Perth and Inverness* Railway to *Aberfeldy*, to be called "The *Strathtay and Breadalbane* Railway."

cccxviii. An Act to enable the *Londonderry and Enniskillen* Railway Company to alter and extend the Line of such Railway, to make a Branch therefrom to the Town of *Omagh*, and to amend the Act relating thereto.

cccxix. An Act for making a Railway from the proposed *Sheffield and Lincolnshire Junction* Railway to the City of *Lincoln*.

cccxx. An Act to enable the *Whitehaven and Furness Junction* Railway Company to make a Railway in deviation from their Line of Railway, and to construct an Extension thereof to a Point of Junction with the *Whitehaven Junction* Railway.

cccxxi. An Act for making a Railway from *Armagh* to *Portrush*, with Branches to *Randalstown* and *Ballymoney*.

cccxxii. An Act for making a Railway from the *Chester* and *Crewe* Branch of the *Grand Junction* Railway at *Calveley* to *Wolverhampton*; and for other Purposes connected therewith.

cccxxiii. An Act for making a Railway from *Shrewsbury* to *Stafford*, with a Branch to *Stone*; and for other Purposes.

cccxxiv. An Act for making a Railway from *Newtown* in the County of *Montgomery* to *Crewe* in the County of *Chester*, with Branches; and for other Purposes connected therewith.

cccxxv. An Act for making a Railway from *Shrewsbury* to *Hereford*, to be called "The *Shrewsbury and Hereford* Railway."

cccxxvi. An Act to consolidate the *Bristol and Gloucester* and *Birmingham and Gloucester* Railway Companies with the *Midland* Railway Company.

cccxxvii. An Act to alter and amend the *North Wales* Railway Act, One thousand eight hundred and forty-five.

cccxxviii. An Act for making a Railway from *Birmingham* to *Wolverhampton*, and to the *Grand Junction* Railway in the Parish of *Bushbury*, with a Branch to *Dudley*.

cccxxix. An Act to effectuate the Sale of the *Glasgow, Garnkirk, and Coatbridge* Railway Company of the said Railway to the *Caledonian* Railway Company; and other Purposes therewith connected.

cccxxx. An Act for authorizing the Sale of the *Pontop and South Shields* Railway to the *Newcastle and Darlington Junction* Railway Company.

cccxxxi. An Act to empower the *London and Birmingham* Railway Company to make a Branch Railway from the *London and Birmingham* Railway near *Coventry* to the *Trent Valley* Railway in the Parish of *Nuneaton*.

cccxxxii. An Act for making a Railway from the *Edinburgh and Glasgow* Railway to *Bathgate*, with Branches, to be called "The *Edinburgh and Bathgate* Railway."

cccxxxiii. An Act to enable the *Surrey* Iron Railway Company to sell the Lands, Houses, and other Property of the Company, together with the navigable Communication from the Dock of the Company to the River *Thames* at *Wandsworth* in the County of *Surrey*, and to dissolve the said Company.

cccxxxiv. An Act to enable the *Glasgow, Garnkirk, and Coatbridge* Railway Company to extend the Terminus of their Railway in *Glasgow*.

cccxxxv. An Act for making a Railway and other Works from *Plymouth* to *Falmouth* and other Places in the County of *Cornwall*, to be called "The *Cornwall* Railway."

cccxxxvi. An Act for making a Railway from the Parish of *Kenwyn* in the County of *Cornwall* to *Penzance* in the same County, with Branches, to be called "The *West Cornwall* Railway."

cccxxxvii. An Act for making a Railway from *Birmingham*, to join the Lines of the proposed *Oxford and Rugby* and *Oxford, Worcester, and Wolverhampton* Railways, and to be called "The *Birmingham and Oxford Junction* Railway."

cccxxxviii. An Act for making a Railway into *Birmingham* in extension of the proposed *Birmingham and Oxford Junction* Railway.

cccxxxix. An Act to authorize the Purchase of the *Gravesend and Rochester* Railway and Canal by the *South-eastern* Railway Company.

cccxl. An Act for making a Railway from the *Birmingham and Gloucester* Railway at *Kings Norton* in the County of *Worcester* to *Hales Owen* in the same County.

cccxli. An Act for making a Railway from the *South Wales* Railway at or near to the Town of *Neath* to *Merthyr Tydvil*, with Branches, to be called "The *Vale of Neath* Railway."

cccxlii. An Act for making a Railway from the Borough of *Cockermouth* to the Town of *Keswick*, all in the County of *Cumberland*, to be called "The *Cockermouth and Workington Extension* Railway."

cccxliii. An Act for making a Railway from *Lough Allen* to *Lough Gill*, both in the County of *Leitrem*, to be called "The *Sligo and Shannon* Railway."

cccxliv. An Act for constructing a Pier at *Portbury* in the County of *Somerset*, and for making a Railway from the same to the City of *Bristol*, with a Branch Railway connected therewith.

cccxlv. An Act to amend the *Cambridge* Improvement Acts, and to exempt the *Eastern Counties* Railway Company from certain Tolls thereby imposed.

cccxlvi. An Act to repeal, alter, and amend the several Acts relating to *Billingsgate Market* in the City of *London*.

cccxlvii. An Act for further and better supplying with Water the Barony or Regality of *Gorbals* and Places adjacent.

cccxlviii. An Act for making certain new Streets or Thoroughfares, and widening and improving certain other Streets or Thoroughfares, within the Town and Borough of *Sheffield* in the County of *York*.

ccccxlix. An Act for paving, lighting, watching, cleansing, regulating, and otherwise improving the Town of *Tunbridge Wells* in the Counties of *Kent* and *Sussex*.

cccl. An Act to repeal an Act of the Fifty-second Year of the Reign of King *George* the Third, for lighting and watching the Road leading from *Newington Butts* to the *Nag's Head* on the *Wandsworth Road*, and other Places communicating therewith, in *Lambeth*, *Clapham*, and *Battersea* in *Surrey*; and for making other Provisions for lighting and improving the said Road, and other Places adjacent or near thereto.

cccli. An Act to amend an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, for granting certain Powers and Authorities to the *Australian* Agricultural Company.

ccclii. An Act for making a Railway from the intended *Great Northern* Railway in the Parish of *Ufford* in the County of *Northampton*, to unite with the Loop Line of the same Railway in the Parish of *Crowland* in *Lincolnshire*.

cccliii. An Act for making a Railway from *Llangynwyd* to *Margam*, by a Company to be called "The *Llynwi Valley* Railway Company."

conservativeccliv. An Act for making certain Lines of Railway in the West Riding of the County of *York*, to be called "The *Sheffield, Rotherham*, *Barnsley*, *Wakefield*, *Huddersfield*, and *Goole* Railway."

ccclv. An Act for amending the Acts relating to the *Taw Vale* Railway and Dock, and for making an Extension therefrom to the *Exeter and Crediton* Railway in the County of *Devon*.

ccclvi. An Act for making Railways from *Wisbech* to *Saint Ives* and to *Fenny Drayton*, to be called "The *Wisbech, Saint Ives, and Cambridge Junction* Railway."

ccclvii. An Act for making a Railway from the *Northern and Eastern Counties* Railway at *Edmonton* to the Town of *Enfield* in the County of *Middlesex*.

ccclviii. An Act for making a Railway from the *Midland* Railway at *Stavely* to the Town of *Worksop*, and for consolidating into one Undertaking the said proposed Railway and the Canal Navigation from *Chesterfield* to the River of *Trent*.

ccclix. An Act for making a Railway from the *London and Birmingham* Railway to or near to *Navigation Street* within the Borough of *Birmingham*.

ccclx. An Act for making a Railway from *Kilkenny* to join the *Great Southern and Western* Railway at or near *Cuddagh*, to be called "The *Kilkenny and Great Southern and Western Railway*."

ccclxi. An Act for the Maintenance of the Cemeteries at *Golden Bridge* and *Prospect* in the County of *Dublin*, and to create a perpetual Succession in the governing Body or Committee for managing the same.

ccclxii. An Act for making a Canal from the Harbour of *East Tarbert* to *West Loch Tarbert*, and other Works in connexion therewith.

ccclxiii. An Act for making a Ship Canal from *Sligo* Harbour to *Lough Gill*, both in the County of *Sligo*, to be called "The *Sligo* Ship Canal."

ccclxiv. An Act for enlarging, improving, and maintaining the Harbour, Quays, and Wharfs of *Campbeltown*; for supplying with Water, paving, cleansing, lighting, and watching the said Burgh and Suburbs thereof; and for the better and more effectual assessing, levying, and collecting the Ladle and other Dues and Customs of the said Burgh.

ccclxv. An Act for further regulating the Repair and Maintenance of the Roads, Streets, and Bridges within the Middle District of the County of *Edinburgh*, and the Assessments payable in respect thereof; and for other Purposes relating thereto.

ccclxvi. An Act to enable the Special Commissioners of the Town of *Yeovil* to sell certain Estates in the Parish of *Yeovil* in the county of *Somerset*.

ccclxvii. An Act to enable the *Eastern Counties* Railway Company to make Two Branch Railways from the Line of the *Eastern Counties and Thames Junction* Railway, one thereof terminating at the Pepper Warehouses belonging to the *East India* Dock Company, and the other terminating by a Junction with the *Eastern Counties* Railway.

ccclxviii. An Act for making a Railway from the *London and Birmingham* Railway in the Parish of *Ruby* in the County of *Warwick* to *Leamington* in the County of *Warwick*.

ccclxix. An Act to authorize an improvement of the line of the *West London* Railway, and the Extension thereof to the River *Thames*.

ccclxx. An Act to enable the *London and Southwestern* Railway Company to make a Railway by *Whitchurch* and *Andover* to *Salisbury*.

ccclxxi. An Act for making certain Branch Railways to be connected with the *Newport and Pontypool* Railway, and for incorporating a new Company, for carrying on the *Monmouthshire* Canal Navigation.

ccclxxii. An Act for making a Railway from the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway near *Cumnock* to the *Caledonian* Railway near the crossing of the River *Sark*, to be called "The *Glasgow, Dumfries, and Carlisle* Railway," with Branches.

ccclxxiii. An Act for authorizing the Sale of the *Andevor* Canal and other Property of the Company of Proprietors of the *Andevor* Canal Navigation.

ccclxxiv. An Act for embanking and reclaiming from the Sea certain Lands now under Water or subject to be overflowed by the Tide in the Estuary or Back Strand of *Tramore* in the County of *Waterford*.

ccclxxv. An Act to incorporate the *British* Guarantee Association.

ccclxxvi. An Act for uniting the Rectory of *North Lynn* with the Perpetual Curacy of *Saint Margaret with Saint Nicholas* in the Borough of *King's Lynn*, all in the County of *Norfolk*.

ccclxxvii. An Act for making a Railway from *Airdrie* to *Bathgate*, with a Branch to *Whitburn* and *Blackburn*, to be called "The *Airdrie and Bathgate Junction* Railway."

ccclxxviii. An Act to incorporate the Company of Proprietors of the *Manchester, Bolton and Bury* Canal Navigation and Railway with the *Manchester and Leeds* Railway Company.

ccclxxix. An Act to amalgamate the *Pollock and Govan* and *Clydesdale Junction* Railways with the *Caledonian* Railway.

ccclxxx. An Act for enabling the *Huddersfield and Manchester* Railway and Canal Company to make a Branch Railway from their Main Line of Railway to *Oldham*.

ccclxxxi. An Act for making a Railway from the *Liverpool and Bury* Railway to the *North Union* and *Blackburn and Preston* Railways, with Branches therefrom, to be called "The *Liverpool, Ormskirk, and Preston* Railway."

ccclxxxii. An Act to grant certain Powers to the *New Zealand* Company.

ccclxxxiii. An Act for constructing Docks at *Millbay* (*Plymouth*), to be called the *Plymouth Great Western* Docks.

ccclxxxiv. An Act to enable the Company of Proprietors of the *Forth and Clyde* Navigation to extend and enlarge the Basin at *Bowling Bay*, and to make and maintain certain other Works in connexion therewith; and to alter and amend the Acts relating to the said Navigation.

ccclxxxv. An Act for sewering, draining, and lighting of the Hamlet of *Bridghouse* in the Township of *Hipperholme-cum Brighouse* in the Parish of *Halifax* in the West Riding of the County of *York*.

ccclxxxvi. An Act for reclaiming from the Sea, embanking and improving, the *Salthouse Sands* in the Manor of *Plain Furness* in the County Palatine of *Lancaster*.

ccclxxxvii. An Act for improving and altering a Portion of the Harbour of *Wexford* in the County of *Wexford* in *Ireland*, and the Entrance thereof; for improving the Navigation of the River *Slaney*, and also the Bridge over the same River at or near to the Town of *Wexford*; and for embanking and reclaiming divers Waste Lands, Mud Banks or Slobs, in and adjacent to the said Harbour and River; and for other Purposes.

ccclxxxviii. An Act for inclosing and reclaiming from the Sea certain Tracts of Land forming Part of the Great Estuary called "The *Wash*," between the counties of *Norfolk* and *Lincoln*.

ccclxxxix. An Act for enabling the Warden and College of the Souls of All Faithful People deceased of *Oxford* to grant Building and Improving Leases of their estates in the County of *Middlesex*.

cccxc. An Act for making certain Lines of Railway in the West Riding of the County of *York*, to be called "The *West Riding Union* Railways."

cccxci. An Act to enable the *London and Southwestern* Railway Company to extend their Railway to the *Thames* near *London Bridge* in the County of *Surrey*.

cccxcii. An Act for making a Railway from the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway near the Manse of *Newton* to the Town of *Girvan*, with a Branch to the Town of *Maybole*, to be called "The *Glasgow and Belfast Union* Railway."

cccxciii. An Act to empower the *Taff Vale* Railway Company to construct certain Branch Railways and Extensions, and to make Arrangements for the Uuse of certain Wharfs adjoining the *Bute* Ship Canal.

cccxciv. An Act to authorize the *Newcastle-upon-Tyne and Carlisle* Railway Company to extend their Railway in *Newcastle-upon-Tyne*, to make a Branch Railway, and for other Purposes connected with their Undertaking.

cccxcv. An Act to enable the *Caledonian* Railway Company to deviate certain Portions of the *Clydesdale Junction* Railway.

cccxcvi. An Act for making a Railway from the *East and West India* Docks to join the *London and Birmingham* Railway at the *Camden Town* Station, to be called "The *East and West India Docks and Birmingham Junction* Railway."

cccxcvii. An Act for making a Railway from *Cork* to *Waterford*, with Branches therefrom.

cccxcviii. An Act to incorporate a Company by the Name of "The Metropolitan Sewage Manure Company."

cccxcix. An Act for the Regulation of the Legal Quays within the Port of *London*.

cccc. An Act to extend the Powers of the Commissioners of Wide Streets, *Dublin*, to widen and improve certain Streets and Passages in the City and County of *Dublin*.

cccci. An Act to authorize the Construction of a Railway from *Maln-y-Manach* to *Rhydydefydd* in the County of *Glamorgan*, to be called "*Cameron's Coalbrook Steam Coal and Swansea and Loughor* Railway."

ccccii. An Act for authorizing certain Alterations in and Extensions of the Line of the *South Devon* Railway, and the Formation of Branches therefrom to *Torquay* and other Places.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for vesting the Real Estates of the Right Honourable *Charles John* late Earl of *Blesinton* deceased, in the County and County of the City of *Dublin*, the City of *Kilkenny*, and the County of *Tyrone*, in Trustees for Sale, for the Payment of his Debts; and for other Purposes.
2. An Act for selling such Parts of the entailed Lands and Estates of *Hempriggs* lying in the County of *Caithness*, belonging to Sir *George Dunbar* Baronet, as may be necessary for the Payment of the Debts and Obligations affecting or that may be made to affect the said Lands and Estates.
3. An Act to enlarge the Powers of leasing the Estates comprised in an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to authorize the Sale of Settled Estates of the Most Honourable the Marquess of* Donegall *in* Ireland, *in order to pay off Mortgage and other Incumbrances;* and for other Purposes.
4. An Act for vesting certain undivided Shares in Estates devised by the Will of *Joseph Solly* Esquire, deceased, in Trustees for Sale; and for other Purposes.
5. An Act for inclosing, dividing, and allotting certain Lands within the Manor or Lordship of *Gollon*, situate in the several Parishes of *Llanbadarn-Vynydd, Llanano, Llanbister, Llandewy-Ystradenny, Abbey Cwmhir*, and *Saint Harmon*, in the County of Radnor.
6. An Act for empowering the Tenants for Life under the Wills of Miss *Mary Cary* and *Adam Askew* Esquire, deceased, and Trustees during Minorities, to grant Building Leases; and for other Purposes.
7. An Act for the Division of the Rectory of *Upwell cum Welney* in the County of *Norfolk* and in the *Isle of Ely* in the County of *Cambridge*.
8. An Act for dividing, allotting, laying in Severalty, inclosing, and draining the Open and Common Fields, Common Meadows, and other Commonable Lands and Waste Grounds in the Hamlet or Township of *Frilford* in the Parish of *Marcham* in the County of *Berks*.
9. An Act for vesting in Trustees certain Hereditaments in the County of *Kent* devised by the Will of *Henry Duddèridge* Gentleman, to enable them to carry into execution an Agreement between his Devises in Trust and *Alexander James Beresford Hope* Esquire, for the Sale thereof, and for subjecting the Bank Annuities, the Produce of the Purchase Money, to the same Trusts.
10. An Act for vesting in Trustees certain Hereditaments in the County of *Kent* the Estate of *Emma Bedford Videan*, a Lunatic, to enable them to carry into execution a Treaty between her Husband, Mr. *Joseph Videan*, and *Alexander James Beresford Hope* Esquire, for the Sale thereof; also for laying out the Purchase Money in the Purchase of Bank Annuities, to be held as Real Estate in trust for the said *Emma Bedford Videan* and her Heirs.
11. An Act for effecting an Exchange of Lands between the Archbishop of *York*, the Earl of *Carlisle*, and Viscount *Morpeth*.
12. An Act to enable *Andrew Wauchope* Esquire, of *Niddrie Marischall*, to uplift certain Sums of Money lying in Bank, and to be consigned therein, and to borrow upon the Security of his entailed Estates such further Sums as may be necessary for Repayment to him of a Portion of the Monies laid out and to be laid out in the Improvement of the said Estates.
13. An Act to vest in Trustees in Fee Simple the entailed lands of *Haltree* and others, for the Purpose of selling the same, and applying the Price in Payment of Debts which affect or may be made to affect the same; and for other Purposes connected therewith.
14. An Act to enable the Trustees of the settled Estate of *William Cullen* to sell to *Alexander James Beresford Hope* Esquire, before the appointed Time under the Settlement a Portion of that Estate for which an Offer has been made them by him.
15. An Act for authorizing Leases to be granted for Mining and other Purposes of Estates in the County of *Glamorgan* belonging to *Walter De Winton* Esquire (an Infant), Tenant in Tail under the Will of *Walter Wilkins* Esquire, deceased; and for other Purposes.
16. An Act to enable the Trustees or Guardians appointed by *Joseph Thomson* of *Nortonhall* of *Eildon*, deceased, to sell the said Lands of *Nortonhall* of *Eildon*, and also the Half of a Storey of a House in *Saint Mary's Wynd, Edinburgh*, and relative Policy of Insurance, vested in them in trust, and apply the Price to be obtained, and certain Trust Monies in their Hands, in the Purchase of other Lands, for the Purposes of the said Trust.
17. An Act to alter and amend an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to enable the Trustees of the Marriage Articles of* Thomas Bacon *Esquire to grant a new Lease to* Richard Hill *and* Anthony Hill *Esquires of an Iron Furnace, and Works and Mines, and Privileges and Hereditaments held therewith, called* Plymouth Works, *in the Parish of* Merthyr Tydvill *in the County of* Glamorgan; and for better carrying the same Act into effect.
18. An Act for carrying into effect an Agreement respecting the Estates of the Corporation of the Borough of *Ludlow*, and other Estates vested in the said Corporation, in trust, either partly or in whole, for certain charitable Uses; and

for appropriating certain Estates to the Charity hereinafter mentioned, and declaring the Trusts thereof; and for making Provision for Payment of the Debts of the said Corporation; and other Purposes.

19. An Act to authorize the Sale of Part of the Charity Estates vested in the Master, Wardens, and Brethren and Sisters of the Guild or Fraternity of the Blessed *Mary* the Virgin of the Mystery of Drapers of the City of *London*, upon the Trusts of the Will of *Thomas Howell* deceased.

20. An Act to enable *William Ramsay Ramsay* of *Barnton*, Heir of Entail in possession of *Barnton* and other Estates in the County of *Edinburgh*, to borrow Money upon the Security of the said Estates, for the Repayment of Monies laid out in the Improvement of the said Estate, and to enable him and his Successors to grant Feus of certain Parts thereof; and for other Purposes therein expressed.

21. An Act for vesting Estates in the Parish of *West Bromwich* in the County of *Stafford*, devised by the Will of *Joseph Barrs* deceased, and the Mines and Minerals under the same, in Trustees for Sale, with Powers to grant Leases of such Estates, and to grant, demise, or sell the Coal, Ironstone, and other Minerals in or under the same.

22. An Act for burdening or selling a Portion of the entailed Estate of *Cumbernauld* in the County of *Dumbarton*, for Payment of Debt.

23. An Act to enable the Trustees of the Will of *Edmund Yates* Esquire, deceased, to sell the Estates in the County of *Kent* devised by the same Will, and to invest the Monies to arise from such Sale in the Public Funds.

24. An Act to incorporate the Governors and Managers appointed under the Trust Disposition and Settlement of *Robert Philp* of *Edenshead*, deceased, and to explain and extend the Powers and Provisions contained in the said Deed.

25. An Act to enable *John Eden Spalding*, with the Consent of a Trustee, to lease the Mines and Minerals within the Lands of *Holm* and other Lands and Estates in the Stewartry of *Kircudbright* in *Scotland*.

26. An Act to enable the Trustees acting under the Will of the late Sir *John Webb* Baronet, deceased, to concur with other Parties, under the Sanction of the High Court of Chancery, in the Sale and Conveyance of certain Estates in the County of *Dorset* and in the Town and County of the Town of *Poole* devised by the said Testator, and of Estates subsequently acquired by the Trustees of his said Will, and subject to the Trusts of the said Will.

27. An Act to vest in Trustees in Fee Simple the entailed Estate of *Overshiels* in the County of *Edinburgh*, for the Purpose of selling the same, and purchasing other Lands to be entailed in lieu thereof.

28. An Act to enable the Trustees of certain Charity and Trust Estates at and near the Town of *Lowestoft* in the County of *Suffolk* to carry into effect a Contract for the Sale of Parts thereof to the *Lowestoft* Railway and Harbour Company; and to enable the said Trustees, and the Trustees of other Charity and Trust Estates at and near the said Town of *Lowestoft*, to grant Leases for long Terms of Years for Building Purposes of the said Estates or Parts thereof; and for other Purposes.

29. An Act to extend the Power of Sales and Exchange and the Power to grant Building Leases respectively contained in the Will of Sir *George William Tapps Gervis* deceased; and to empower the Trustees of the said Will to raise Money by Mortgage for the Improvement of Part of the Estates devised by the said Will; and to confirm a Contract for an Exchange entered into by the said Trustees with the Right Honourable *James Howard Harris* Earl of *Malmesbury*.

30. An Act to give further Powers to the Trustees of the Will of the late Duke of *Cleveland* for the Management of the Trust Estates in the County of *Durham* by the said Will devised.

31. An Act to vest the Estates in *Ireland* settled by the Will of *Bindon Scott* deceased in Trustees, for the Purposes therein set forth.

32. An Act to unite and to incorporate the Trustees of certain Charities established by *Humphrey Booth* the elder, Esquire, and by *Humphrey Booth* Esquire, his Grandson, respectively; and to amend an Act of Parliament made and passed in the Sixteenth Year of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees of certain Charity Lands belonging to the Poor of* Salford *in the County Palatine of* Lancaster to grant Building Leases thereof; and to make further Provision for the beneficial Management and Administration of the several Charity Estates and Charities of the said *Humphrey Booth* the elder and *Humphrey Booth*, his Grandson, respectively.

33. An Act to enable the Trustees appointed by Mrs. *Jane Ferguson* deceased to sell the Lands of *Laverocklaw*, and also certain Subjects situate in the Village of *Ormiston*, vested in them in trust, and to apply the Price to be obtained, and certain Trust Monies in their Hands, in the Purchase of other Lands, for the Purposes of the said Trust.

34. An Act for enabling the President and Fellows of *Sion College* within the City of *London* to raise Money by way of Annuity on Part of their Estates.

35. An Act for facilitating the raising of the annual Sum of One hundred Pounds settled upon the Vicar for the Time being of the Parish of *All Hallowes* in the Town of *Northampton*, in lieu of Tithes, by an Act passed in the Twenty-ninth Year of the Reign of King *Charles* the Second.

36. An Act to enable the Trustees of the Will of the Most Noble *William Harry* late Duke of *Cleveland* to grant Leases and make Sale of the *Bathwick* and *Wrington* Estates in the County of *Somerset*.

37. An Act to enable the Most Noble *Henry Charles* Duke of *Norfolk*, and other the Owner for the Time being of *Arundel Castle* and the Estates settled therewith, to grant Leases of Parts thereof; and for other the Purposes therein mentioned.

38. An Act for authorizing the Sale of Part of the Estates settled by the Will of *William Congreve* Esquire, deceased, and for laying out the Surplus of the Monies produced by such Sale, after Payment of his Debts, in the Purchase of other Estates.

39. An Act for the better Support and better Regulation of "The Hospital of the Holy *Jesus*, founded in the *Manors* in the Town and County of *Newcastle-upon-Tyne*, at the Costs and

Charges of the Mayor and Burgesses of the Town of *Newcastle-upon-Tyne* in the County of the Town of *Newcastle-upon-Tyne* aforesaid," and for confirming Sales and other Dispositions made of Estates formerly Part of the Possessions of the said Hospital; and for other Purposes.

40. An Act to vest certain Lands and Hereditaments, the Estates of *Alexander Perry Bond*, Esquire, situate in the County of *Westmeath* in *Ireland*, in Trustees, to raise Money for the Payment of Incumbrances affecting said Lands and Hereditaments, and, subject thereto, to limit the said Lands and Hereditaments for the Uses and Purposes declared by the Will of *William Bond* Esquire, deceased.
41. An Act to enable Sir *Richard Bulkeley Philipps Philipps* Baronet and others to grant Mining, Building, and other Leases of certain Estates in the County of *Pembroke*, subject to the Uses of the Will of *Richard* Baron *Milford* deceased.
42. An Act for enabling the Master and Brethren of the Hospital of *Saint Mary* the Virgin within the Borough of *Newcastle-upon-Tyne* to grant Building, Repairing, Mining, and other Leases of their Estates, and for extending the Objects of the Charity, and regulating the Appropriation of the Income thereof.
43. An Act to enable the College of *Glasgow* to effect an Exchange of the present Lands and Buildings belonging to and occupied by the said College for other sufficient and adequate Lands and Buildings more advantageously situated; and for other Purposes relating thereto.
44. An Act to repeal so much of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for Naturalizing* Henry Robert Ferguson, as enacts that the said *Henry Robert Ferguson* should not thereby be enabled to be of the Privy Council, or a Member of either House of Parliament, or to take any Office or Place of Trust, either civil or military, or to have any Grant of Lands, Tenements, or Hereditaments from the Crown, to himself, or any other Person or Persons in trust for him.
45. An Act to dissolve the Marriage of *Jasper Byng Creagh* Esquire with *Emma Susan Weldale Creagh* his present Wife, and to enable him to marry again; and for other Purposes therein mentioned.
46. An Act to dissolve the Marriage of *George Savage Curtis* Esquire with *Emma Curtis* his now Wife; and for other Purposes.
47. An Act to dissolve the Marriage of *Edward Clark* with his now Wife, and to enable him to marry again; and for other Purposes.
48. An Act to dissolve the Marriage of *Edward Matthyssens* with *Joanna Frances* his now Wife, and to enable him to marry again; and for other Purposes.
49. An Act for Naturalizing the Reverend *Samuel Gobat* Clerk, Bishop of the United Church of *England* and *Ireland* in *Jerusalem*.
50. An Act to dissolve the Marriage of *Robert Nesham Farquharson* Esquire with *Mary Ann* his now Wife, and to enable him to marry again; and for other Purposes.
51. An Act to dissolve the Marriage of the Reverend *Salusbury Humphreys* Clerk with *Harriet Ruthan Humphreys* his now Wife, and to enable him to marry again; and for other Purposes.

INDEX.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

IN THE SIXTH SESSION OF

THE FIFTEENTH PARLIAMENT OF THE UNITED KINGDOM,

9° & 10° VICTORIÆ,

1846.

Explanation of the Abbreviations.

1R. 2R. 3R. First, Second, or Third Reading—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.* Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.* Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress—*A.*, Ayes.—*N.*, Noes—*M.*, Majority.—*1st Div.*, *2nd Div.*, First or Second Division.

☞ *The * indicates that no Debate took place upon that Reading.*

ABERDEEN, Earl of
Basilian Nuns of Minsk, (84) 768
Graham, Mr., Petition of, (83) 508, 509
Ministerial Explanations, (83) 183
Oregon Boundary, The, (83) 342;—Correspondence moved for, (84) 1116; (87) 1037
Plata, Rio de la, Correspondence moved for, (83) 1158
Poland, The late Insurrection in, (85) 577
Religious Persecution in Russia, (83) 636
Tariff, The—United States, (83) 423

ABINGDON, Earl of
Corn Importation, Com. *add. cl.* (87) 678

ABINGER, Lord
Charitable Trusts, 2R. (86) 802

ACLAND, Sir T, D., *Devonshire, N.*,
Commercial Policy—Corn Laws, Com. moved for, (83) 1236
Corn Laws, Total Repeal of the, (84) 564
Poor Removal, Instruction to Committee, (87) 86
Railways—Broad and Narrow Gauge, Resolutions, (87) 634
Sugar Duties, Com. (88) 103

ACLAND, Mr. T. D., *Somersetshire, W*,
Commercial Policy—Corn Laws, Com. (84) 741
Supply—Education, (87) 1258

ADDERLEY, Mr. C. B., *Staffordshire, N.*
Cheltenham Petition, The, Instruction, (84) 509
Commercial Policy — Silk Manufactures, (84) 1091
Protection of Life (Ireland), 2R. (87) 1021

Address in Answer to the Speech,
l. (83) 5; *c.* 51; Report, 134; *l.* Reply, 164

Adjournment—Martyrdom of Charles 1st,
c. (83) 367;—Statement (Sir R. Peel), (85) 676; (86) 1421

Administration of Criminal Justice Bill,
l. 1R.* (83) 507; 2R.* 528; Rep.* 832; 3R.* 912; *c.* 1R.* (85) 158; 2R.* 371; Com. *add. cl.* (Hon. E. Law), (86) 166; *cl.* withdrawn, 167; Rep.* 196; 3R.* 614; *l.* Royal Assent, (87) 1033

Administration of Justice Bill,
c. 1R.* (87) 595; 2R.* 1127

Administration of Justice in the City of London,
l. Petition (Lord Brougham), (87) 1401

Adverse Claims (Ireland) Bill,
c. 1R.* (87) 1229; 2R.* 1302; Rep.* 1404; 3R.* (88) 184; *l.* 1R.* 197; 2R.* 349; Rep.* 645; 3R.* 695; Royal Assent, 844

Advocate, The Lord (Right Hon. D. M'Neil), *Argyleshire*
Poor Relief (Scotland), (86) 981
Scott, William, Petition of—The Factory Act, Com. moved for, (85) 747

Advocate, The Lord (Right Hon. A. Rutherfurd), *Leith, &c.*
Courts of Law (Scotland), (88) 29
Death by Accident Compensation, Com. (87) 1370

Affray in the North,
c. Question (Mr. James), (83) 836

Aglionby, Mr. H., *Cockermouth*
Andover Union, The, Com. moved for, (84) 672
Bridport Election, (86) 900
Cheltenham Petition, The, Instruction, (84) 526
Colonial Tariffs, Copies moved for, (83) 640
Commercial Policy—Corn Laws, Com. moved for, (83) 326; Com. (84) 730; Rep. Foreign Books, (84) 814
Committees, Attendance on, (85) 1212
Fever (Ireland), Leave, (84) 988
Fraudulent Objections to Voters, Com. moved for, (84) 928
Frost, Williams, and Jones, Address moved, (84) 904
Milbank Prison, Com. moved for, (87) 1439
O'Brien, Mr. W. S., (86) 993
Railway Bills (Ireland), (83) 1260
Railway Legislation, (85) 1329
Railways, Report of Select Committee, (83) 522; Com. moved for, (86) 1257
Scott, William, Petition of—The Factory Act, Com. moved for, (85) 476
Supply—Public Departments, (86) 1207

Agricultural Protection,
l. Petitions (Duke of Richmond), (83) 164, 234, 337, 342;—*Burdens on Land,* Com. moved for (Lord Beaumont), 912; Amend. (Lord Monteagle), 931;—Petition (Earl of Hardwicke), (84) 473

Ainsworth, Mr. P., *Bolton*
Factories, 2R. (85) 1229

Aliwal, Victory of,
l. Vote of Thanks to the Army (Earl of Ripon), (85) 412; *c.* (Sir R. Peel), 436

Allix, Mr. J. A., *Cambridgeshire*
Commercial Policy—Clover, (84) 1135, 1136
Rating of Tenements, 2R. (87) 629

American Mail Steam Packets,
c. Papers moved for (Mr. P. Miles), (87) 481; Com. moved for, 1417; Motion withdrawn, (88) 1432

Andover Union, The,
c. Com. moved for (Mr. Etwall), (84) 625; Amend. (Sir J. Graham), 641; Amend. withdrawn, 673; Amend. (Mr. Christie), 674, [A. 92, N. 69, M. 23] 676; That the Committee have power to Report its Proceedings (Viscount Courtenay), (86) 1409, [A. 16, N. 81, M. 65] 1414;—Question (Mr. Wakley), (88) 1065

Annual Votes—Sugar Duties,
c. Question (Mr. Moffatt), (88) 565

Anson, Hon. Colonel G., *Staffordshire, S.*
Private Bill—Petitions, (83) 963
Railways, Com. moved for, (83) 213;—Broad and Narrow Gauge, Resolutions, (87) 612

Anti-Corn-Law League, Proceedings of the,
l. Petition (Lord Dacre), (83) 1167

Appeal in Criminal Cases,
c. Question (Mr. Ewart), (83) 642

Aqueducts—Standing Orders,
c. Res. (Mr. Hume), (84) 1220

Archbishops, Incomes of the,
c. Returns moved for (Sir. H. Elphinstone), (83) 449

Arms Act (Ireland),
c. Question (Capt. B. Osborne), (84) 1044; (88) 373

Arms (Ireland) Bill,
c. 1R.* (88) 343; 2R. 575; Amend. (Mr. Hume), 577, [*o. q.* A. 56, N. 23, M. 33] 594; Withdrawal of, 753

Armstrong, Sir A., *King's Co.*
Protection of Life (Ireland), 2R. (87) 637

Army, Claims of the,
c. Com. moved for (Sir De Lacy Evans), (88) 879; Motion withdrawn, 891

Arrest, Law of,
l. Petition (Lord Denman), (88) 645

Arrest on Mesne Process Bill,
c. 1R.* (88) 1060

Art Union Bill,
c. 1R.* (85) 1; 2R.* 287; *c.* Rep. (87) 1362; Re-com. Amend. (Rt. Hon. H. Goulburn), (88) 187, [*o. q.* A. 50, N. 18, M. 32] 196; 3R.* 202; *l.* 1R.* 224; 2R.* 331; Rep.* 349; 3R.* 371; Royal Assent, 645

Art Unions,
l. Petition (Duke of Cambridge), (86) 968

Arundel and Surrey, Earl of, *Arundel*
Religious Opinions Relief, Com. *cl.* (88) 632
Roman Catholic Relief, Com. (86) 150

Ashburton, Lord
Anti-Corn-Law League, Proceedings of the, (83) 1151
Burdens on Land, Com. moved for, (83) 957, 958
Corn Importation, 2R. (86) 1291, 1322, 1333, 1368, 1383, 1390; Com. (87) 336, 445; *add. cl.* 682; Res. 763, 775

Ashburton, Lord—*continued.*
Corn Laws, (83) 347; Returns moved for, (86) 168
Customs Duties, 1R. (86) 967; 2R. (87) 23; Com. 806; — Hops, 877; — Stained Paper, 883
Game Laws, 2R. (84) 13
Metropolitan Buildings, 2R. (84) 1219
Oregon Boundary, The, Correspondence moved for, (84) 1119
Parliament, New Houses of, Address moved, (87) 1035
Railway Companies Dissolution, 1R. (85) 886; Com. 1346
Railway Legislation, Resolutions, (85) 1061; Returns moved for, 1146; (87) 37
Railways, Com. moved for, (83) 361, 365
Sugar Duties, 1R. (88) 519, 541, 543

Ashley, Viscount, *Dorsetshire*
Factories, Leave, (83) 378, 416

Assessed Taxes (Forms) Bill,
c. 1R.* (88) 343; 2R.* 358; Rep.* 463; 3R.* 545; *l.* 1R.* 598; 2R.* 645; Rep.* 695; 3R.* 747; Royal Assent, 844

Attorney General, The (Sir F. Thesiger), *Abingdon*
Ayrshire and Galloway Railway, Report, (83) 542
Bequests for Pious and Charitable Purposes, 2R. (84) 599
Bridport Election, (86) 885, 888, 891, 910
Corn Importation—Oats, Com. (86) 135, 137
Corresponding Societies Act Amendment, Leave, (85) 469
Ecclesiastical Commission, Officers of the, (86) 963
Fees in Courts of Law and Equity, Com. moved for, (86) 184
Friendly Societies, Rep. *cl.* 1, (85) 855
Lichfield Free Grammar School, Papers moved for, (85) 378
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1161, 1184; (86) 994
Parliamentary Electors and Freemen, 2R. Amend. (87) 911
Polling Places (Ireland), Rep. (86) 1411
Protection of Life (Ireland), 1R. (85) 742, 1369
Railway Projects, (85) 593
Smith, Mr. J. T., Case of, Com. moved for, (86) 545

Attorney General, The (Sir J. Jervis), *Chester*
Charitable Trusts, Com. (88) 184
Cheshire Returning Officer, 2R. (88) 340
Common Pleas, Court of, (88) 28
Death by Accident Compensation, Com. (87) 1368, 1375
Deodands Abolition, That the Bill do pass, (88) 626
Patent Commission, 2R. (88) 936
Pollock, Mr. D., Appointment of, (88) 860, 936
Poor Removal, Com. (87) 1215; *cl.* 1, 1399
Small Debts, Com. (88) 916; *cl.* 9, 921; *cl.* 19, 948
Westminster Improvements, (88) 342

Auckland, Earl of
Sutlej, Campaign on the, Thanks to the Army, (84) 379; (85) 425
Warner, Captain, (88) 700

Austen, Colonel T., *Kent, W.*
Commercial Policy, Hops, (84) 1059

Australia, Convicts in,
l. Question (Earl Grey), (86) 870

Australia, South,
c. Question (Mr. Divett), (88) 113

Australia, Waste Lands, Bill,
l. 1R.* (87) 937; 2R. 349

Australia, Waste Lands (No. 2), Bill,
l. 1R.* (88) 598; 2R. 700; 3R.* 893; *c.* 1R.* 908; 2R.* 928; Com. 962; Rep.* 977; 3R. 1009; *l.* Royal Assent, 1060

Australia, Western, Bill,
l. 1R.* (85) 1250; 2R. (86) 171; 3R.* 859; *c.* 1R.* (87) 808; 2R.* 1065; Rep.* 1161; 3R.* 1229; *l.* Royal Assent, (88) 1

Austrian Authorities in Gallicia,
c. Question (Mr. C. Buller), (85) 958

Ayrshire and Galloway Railway,
c. Report, (83) 541

Baillie, Mr. H. J., *Inverness-shire*
Commercial Policy—Corn Laws, Com. moved for, (83) 661, 907
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 28
Protection of Life (Ireland), 1R. (85) 1092
Sugar Duties, (87) 1334
Wellington, Duke of, Equestrian Statue to the, (86) 962; Address moved, (87) 1411

Baldwin, Mr. C. B., *Totness*
Privilege—Interpolated Petition, (83) 488

Bangor, Bishop of
St. Asaph and Bangor and Manchester Dioceses, (87) 2R. 1281

Bangor and St. Asaph and Manchester Dioceses Bill,
l. 1R.* (87) 1033, 1060; 2R. 1269, [Contents 38, Not-Contents 28, M. 10] 1301; 3R. 1380; That the Bill do pass, *ib.*; Adj. Debate, 1400; *c.* 1R.* 1404; Question (Viscount Clive), (88) 285; Bill withdrawn, 286

Bankes, Mr. G., *Dorsetshire*
Address in Answer to the Speech, Report, (83) 156
Bridport Election, (85) 1080; (86) 328, 329, 882, 904, 1415
Business of the House, (85) 1214; (86) 1423
Chiltern Hundreds, The—Recent Resignations, Returns moved for, (83) 502
Commercial Policy—Corn Laws, Com. moved for, (83) 327; (84) 216, 249; Rep.—Silk Manufactures, Amend. 1068
Corn Importation, 2R. (85) 223; Com. (86) 70; Rep. 238, 249
Corn Laws, Total Repeal of the, (84) 472, 527, 531

Bankes, Mr. G.—*continued.*
- Customs Duties, Com. (86) 844
- Factories, 2R. Amend. Adj. (86) 534, 535, 998, 1007
- Fever (Ireland), Leave, (84) 1004
- Poor Removal, Instruction to Committee, (87) 42, 52, 87, 117; Com. 1390; 3R. (88) 206; *add. cl.* 212
- Privilege, Breach of, (86) 815, 818, 819
- Protection of Life (Ireland), 2R. (87) 992
- Settlement, Law of, Com. moved for, (85) 77, 83, 84, 88
- Sugar Duties, (87) 815
- Taylor, Sir C., Charges against, (87) 125

Bankruptcy and Insolvency Bill,
c. 1R.* (85) 691; 2R.* (87) 909; Rep.* 964; Bill withdrawn, (88) 345

Barclay, Mr. D., *Sunderland*
- Sugar Duties, Res. (88) 251; Amend. 258

Baring, Right Hon. F. T., *Portsmouth*
- Budget, The, (86) 1452
- Central Railway (Scotland), 2R. (85) 69
- Commercial Policy—Corn Laws, Com. moved for, (83) 1247
- Corn Importation, 2R. (85) 44
- Danish Claims, Com. moved for, (85) 1316
- Fees in Courts of Law and Equity, Com. moved for, (86) 108
- Post Office, Com. moved for, (85) 830
- Railway Bills, (85) 932
- Railway Deposits, (83) 378
- Railway Projects, (85) 603
- Railways, Com. moved for, (84) 1265, 1425, 1426
- Sugar Duties, (87) 1333
- Supply—Ecclesiastical Commissioners, (87) 1103
- Taxation, Local, Returns moved for, (83) 417, 418

Baring, Mr. T., *Huntingdon*
- Commercial Policy—Corn Laws, Com. moved for, (83) 793; Rep. (84) 829

Barkly, Mr. H., *Leominster*
- Commercial Policy—Corn Laws, Com. moved for, (83) 1295
- Sugar Duties, (87) 816, 1332; (88) 137, 258

Barron, Sir H. W., *Waterford City*
- Corn Importation—Oats, Com. (86) 130
- Deccan Prize Money, (88) 358
- Donovan, John, Petition, (87) 294
- Fishery Piers and Harbours (Ireland), Leave, (83) 436
- Protection of Life (Ireland), 2R. (87) 615
- Public Works (Ireland), Com. (83) 184, 186; 2R. 334, 638
- Railways, Report of Select Committee, (83) 525
- Railways (Ireland), (86) 7, 8
- Religious Opinions Relief, 2R. (88) 363
- Spirit Duties (Ireland), (83) 494, 495

Basilian Nuns of Minsk,
c. Papers moved for (Hon. W. F. Cowper), (84) 677; *l.* Question (Marquess of Londonderry), 767

Bateson, Capt. T., *Londonderry Co.*
- Commercial Policy—Corn Laws, Com. moved for, (83) 1400

Bath and Wells, Bishop of
- Bishopstown Chapel—The Bishop of Exeter, (88) 335

Baths and Washhouses,
l. Petition (Bishop of London), (87) 104; (Lord Brougham), (88) 104

Baths and Washhouses Bill,
c. Leave, (87) 762; 1R.* 808; 2R.* 1061; Rep.* 1065, 1381; 3R.* 1404; *l.* 1R.* (88) 1; 2R. 277; 3R.* 371; Royal Assent, 1020

Baths and Washhouses (Ireland) Bill,
c. 1R.* (88) 27; 2R.* 184; Rep.* 282; 3R.* 358; *l.* 1R.* 371; 2R.* 893; Rep.* 925; 3R.* 948; Royal Assent, 1021

Battersea Park Bill,
c. 1R.* (85) 1350; 2R.* (86) 612; Rep.* (87) 1063, 1065; 3R.* 1127; *l.* 1R.* 1136; 2R.* 1355; Rep.* (88) 104; 3R.* 197; Royal Assent, 274

Beaufort, Duke of
- Address in Answer to the Speech, (83) 50
- Corn Importation, 2R. (86) 1399

Beaumont, Lord
- Basilian Nuns of Minsk, (84) 768
- Baths and Washhouses, 2R. (88) 279
- Burdens on Land, Com. moved for, (83) 912, 951, 958, 960, 1043
- Conveyance of Real Property, 1R. (85) 146
- Corn Importation, 2R. (86) 1359; Com. *cl.* 1, (87) 464, 466
- Corn Laws, Returns moved for, (86) 170
- Cracow, Independence of, Address moved, (88) 602, 614
- Customs Duties, 1R. (86) 865
- Duncombe, Mr. T., Petition of, (85) 146, 148
- Gauge of Railways, 2R. (88) 105; Com. 201
- Graham, Mr., Petition of, (83) 420, 508, 509
- London and York Railway, (84) 1273
- Ministerial Explanations, (83) 179
- Plata, Rio de la, Correspondence moved for, (83) 1152, 1165
- Poland, The late Insurrection in, (85) 574, 579
- Poor Removal, 2R. (88) 355
- Preston, Liverpool, and Ormskirk Railway, (87) 1381
- Real Property, Burdens on, Com. moved for, (83) 517
- Religious Opinions Relief, 2R. (85) 1284;—Questions for the Judges, (86) 322; Com. (87) 1379
- Sattara, Rajah of, (86) 218, 219

Belfast Academy—Supply, c. (87) 1263

Bellerophon and Rodney, The,
l. Observations (Earl of Wilton), (84) 1120

Bellerophon and Calcutta, The,
l. Remarks (Earl of Hardwicke), (85) 75

Bellew, Mr. R. M., *Louth*
- Arms (Ireland), 2R. (88) 581
- Ireland, State of, (85) 997
- Protection of Life (Ireland, Rep. *cl.* (85) 1364

Benett, Mr. J., *Wilts, S.*
  Commercial Policy—Corn Laws, Com. moved for, (83) 317, 321, 1213
  Corn Importation, 3R. (86) 434
  Protection of Life (Ireland), 2R. (87) 640

Bennet, Mr. P., *Suffolk, W.*
  Commercial Policy—Corn Laws, Com. moved for, (83) 1310
  Corn Importation, Com. *cl.* 1, Amend. *r. p.* (86) 91; 3R. 629

Bentinck, Lord W. G. F. C., *King's Lynn*
  Bridport Election, (86) 889
  British Possessions, 3R. Amend. (88) 738
  Budget, The, (86) 1463
  Business of the House, (85) 136, 137, 139, 141
  Canada—Commercial Policy of Government, Address moved for, (86) 553, 1425
  Carrying Trade with the Spanish Colonies, (88) 799
  Commercial Policy—Corn Laws, Com. moved for, (83) 304; (84) 303, 723, 743, 747, 752, 762; Rep. 805;—Butter, 1029;—Cotton, 1040; —Hops, 1064;—Silk Manufactures, 1093; —Cattle, 1157;—Timber, 1167, 1313, 1335
  Corn Importation, 2R. (85) 127, 170, 233; Com. Amend. (86) 35, 36, 54; *r. p.* 89;—Oats, Amend. 121, 135; 137; Rep. 288, 298; 3R. 709
  Corn Laws, The New, Error in, Com. moved for, (88) 735
  Corn Laws, Total Repeal of the, (84) 553
  County Electors, 2R. (85) 865
  Customs Duties, Com. Amend., (86) 819; 3R. 876
  Duty, Recent Reductions of, (84) 1053
  Factories, 2R. (86) 1019
  Fever (Ireland), Leave, (84) 983
  Foreign Grain in Bond, Returns moved for, (83) 736, 740
  Ireland, State of, (85) 985, 1017
  Magistrates, Appointment of, (88) 760
  Mexico and the United States, (88) 978
  Orders of the Day, (85) 307, 322
  Patent Commissions, 2R. (88) 936
  Peel, Sir R., his Explanation, (87) 711, 720, 746
  Pollock, Mr. D., Appointment of, (88) 849; Explanation, 875; Remarks, 936, 946, 947
  Poor Removal, Instruction to Committee, (87) 83
  Protection of Life (Ireland), 1R. (85) 642, 773, 1405; 2R. (87) 177, 186
  Railway Bills, (85) 943
  Small Debts, Com. (88) 909
  Sugar Duties, (87) 813, 817, 1326; Com. *cl.* 1, Amend. 1404; (88) 32
  Taylor, Sir C., Charges against, 127
  Timber Duties, Returns, (85) 790

Bequests for Pious and Charitable Purposes,
  c. 1R.* (83) 423; 2R. 578, [A. 24, N. 60, M. 36] (84) 619

Beresford, Major W., *Harwich.*
  Ferrand, Mr., and his Accusers, (84) 242, 246
  Protection of Life (Ireland), 1R. (85) 1396; 2R. (87) 1019
  Waterford, Marquess of—Alleged Evictions (Ireland), (85) 1071

Berkeley, Hon. Capt., M. F. F., *Gloucester*
  Aqueducts—Standing Orders, (84) 1221
  Corn Importation, 2R. (84) 1466
  Corporal Punishment in the Army, (88) 408; Returns moved for, 693, 759
  Navy Civil Departments, 2R. (87) 627
  Navy, Manning the, (88) 874
  Supply—Navy Estimates, (87) 1457

Berkeley, Hon. C. F., *Cheltenham*
  Corporal Punishment in the Army, (88) 443, 446
  Ferrand, Mr., and his Accusers, (84) 236
  Forged Petitions, (84) 363; Com. moved for, 380, 384, 527
  Malta, Carnival at, (88) 329
  Sunday Trading, 1R. Amend. (88) 598
  Taylor, Sir C., Charges against, (86) 958
  Wellington, Duke of, Statue to the, Address moved, (87) 1409, 1417; (88) 372, 755

Berkeley, Hon. F. H. F., *Bristol*
  American Mail Steam Packets, Com. moved for, (87) 1418
  Commercial Policy—Corn Laws, Com. moved for, (83) 1221
  Corporal Punishment in the Army, (88) 397
  Mint Prosecutions, (85) 788
  Small Debts, Com. (88) 918

Berkeley, Hon. G. C. G., F., *Gloucestershire, W.*
  Game Laws, The, (88) 566, 629
  Post Office, The, (87) 40
  Sugar Duties, (87) 1328; Com. (88) 85
  West Indies, Labourers in the, (88) 628

Bernal, Mr. R., *Weymouth*
  British Possessions, 3R. (88) 743
  Charitable Trusts, 2R. (87) 1128; Com. (88) 187
  Committees, Attendance on, (86) 465
  Corporal Punishment in the Army, (88) 411
  Customs Duties—Rum, (88) 574
  Enlistments in the Army, Address moved, (88) 312
  Factories, 2R. (86) 1014
  Fever (Ireland), Leave, (84) 1000
  Mexico and the United States, (88) 993
  Navy, Manning the, (88) 873
  Parliamentary Electors and Freemen, 2R. (87) 915
  Pollock, Mr. D., Appointment of, (88) 863
  Protection of Life (Ireland), 2R. (87) 137, 138, 165
  Railway Legislation, (85) 911
  Railway Projects, (85) 604
  Railways, Report of Select Committee, (83) 520
  Sugar Duties, (87) 816, 1331; (88) 127, 263, 265
  Supply—Buckingham Palace, (88) 727

Bernard, Viscount, *Bandon Bridge*
  Protection of Life (Ireland), 2R. (87) 397

Besborough, Earl of
  Corn Importation, Com. *cl.* 1, (87) 594
  Protection of Life (Ireland), Rep. *cl.* 1, (84) 841

Bingley Union, The,
c. Questions (Mr. Ferrand), (86) 953

Birdhill, Tragical Occurrence at,
c. Question (Mr. O'Connell), (86) 1287

Births, Registration of (Ireland) Bill,
c. 1R.* (88) 750

Bishops, Incomes of the,
c. Returns moved for, (Sir H. Elphinstone), (83) 449

Bishopstown Chapel — The Bishop of Exeter,
l. Remarks (Earl of Radnor), (88) 331

Blake, Sir V., *Galway Bo.*
Fever (Ireland), Leave, (84) 1006

Bodkin, Mr. W. H., *Rochester*
Poor Removal, Com. (87) 1217; 3R. (88) 214; *add. cl.* 216

Bombay, Chief Justiceship of—Appointment of Mr. D. Pollock,
c. Observations (Lord G. Bentinck), (88) 849; Explanation (Lord G. Bentinck), 875; *l.* Remarks (Lord Lyndhurst), 893; *c.* (Lord G. Bentinck), 936; *l.* Explanation (Lord Lyndhurst), 948, 972; Explanation (Earl of Ripon), 995

Bone Crushing in Workhouses,
c. Papers moved for (Captain Pechell), (83) 454, 1146; (Mr. Christie), 506; Motion withdrawn, 507

Books and Engravings Bill,
c. Com. (87) 1136; 1R.* 1160; 2R.* 1302; Rep.* 1404; 3R.* (88) 27; *l.* 1R.* 104; 2R.* 371; Rep.* 598; 3R.* 645; Royal Assent, 844

Books, Foreign—The Tariff,
c. Amend. (Mr. Ewart), (84) 807

Borthwick, Mr. P., *Evesham*
Bequests for Pious and Charitable Purposes, 2R. (84) 616
Cheltenham Petition, The, Instruction, (84) 521
Commercial Policy—Corn Laws, Com. moved for, (84) 296, 741; Rep. Foreign Books, 812, 832; — Silk Manufactures, 1128; — Cattle, 1153;—Timber, 1304
Corn Importation – Oats, Com. (86) 136; Rep. 259
Corn Importation, 2R. (85) 104
Corn Laws, Total Repeal of the, (84) 467, 545
Customs Duties, Com. (86) 848
Education of the People, (87) 1254
Ireland, State of, (85) 1017
Malta, Carnival at, (88) 326
Oregon Territory, The, (84) 1277
Peel, Sir R., his Explanation, (87) 759
Poor Laws, (88) 1064
Poor Removal, Instruction to Committee, (87) 95; Com. 1198, 1217
Protection of Life (Ireland), 1R. (85) 1405, 1406; (87) 1024
Railway Commissioners, Com. (88) 931
Roman Catholic Relief, 2R. (84) 969
St. Asaph and Bangor, Sees of, (88) 286

Borthwick, Mr. P.—*continued.*
Sugar Duties, (87) 1337; (88) 117, 261
Supply — Education (Ireland), (87) 1259; — School of Design, 1262;—National Gallery, 1264, 1265;—Captured Negroes, 1268

Bouverie, Hon. E. P., *Kilmarnock, &c.*
Andover Union, Leave to Report Proceedings of Committee, (86) 1411
Bankruptcy and Insolvency, Com. (88) 345
Corn Importation, 2R. (85) 200
Death by Accident Compensation, Com. (87) 1369
Poor Relief (Scotland), (85) 980
Railway Labourers, Com. moved for, (83) 640

Bowles, Rear Admiral W., *Launceston*
Navy, The, (87) 1335

Bowring, Dr. J., *Bolton*
Andover Union, The, Com. moved for, (84) 675
Business of the Session, (87) 195
Channel Islands, Laws of the (88) 708
Colonial Accounts, (83) 544
Colonial Tariffs, Copies moved for, (83) 640
Commercial Policy—Corn Laws, Com. moved for, (83) 969; (84) 97, 785; Rep. Foreign Books, 815;—French Wines, 826, 832;—Silk Manufactures, 1127
Corn Laws, The, (83) 447
Corporal Punishment in the Army, (87) 1302; (88) 244; Amend. 381, 757
Cracow, Occupation of, Address moved, (88) 833
Customs Duties, Com. (86) 850
Eclair, Case of the, (83) 544
Education of the People, (87) 1255
Estimates, The, (87) 1099
Ferrand, Mr., his Speech, (84) 119, 234, 240
Hong-Kong, Flogging in, (88) 340, 341
Malta, Carnival at, (88) 321
Man, Isle of, (86) 176
Military Flogging at Hounslow, (87) 1302; (88) 244; Amend. 381, 757
Printing Papers, Com. moved for, (84) 15
Public Institutions, Admissions to on Sundays, (88) 725
Public Works (Ireland), Com. (83) 188
Quarantine Laws, Address moved, (86) 877
Railway Bills (Ireland), (83) 1257
Railway Legislation, (85) 1330
Railways—Broad and Narrow Gauge, Resolutions, (87) 612
Russia and Turkey, Treaty between, (86) 1423
Scott, William, Petition of—The Factory Act, Com. moved for, (85) 474
Spain, Trade with, 489
Sugar Duties, Res. (88) 263
Sutlej, Campaign on the, Thanks to the Army, (84) 419
Supply—Ecclesiastical Commission, (87) 1103; Education, 1258;—Schools of Design, 1262
Tobacco Duties, (87) 1123; (88) 342
Turkey, Trade with, (88) 1022

Brazil, Trade with,
c. Question (Rt. Hon. H. Labouchere), (83) 490, 526

Brazilian Criminals,
c. Question (Mr. Hutt), (83) 491

BREADALBANE, Marquess of
Railway Legislation, Com. moved for, (85) 282
Sites for Places of Worship (Scotland), Petition, (87) 1355, 1359, 1360

BRIDGMAN, Mr. H., *Ennis*,
Protection of Life (Ireland), 1R. (85) 558

Bridport Election,
c. Observations (Mr. A. B. Cochrane), (85) 977; Question (Mr. Christie), (85) 1077; Petition (Mr. G. Bankes), (86) 328. 882; Amend. (Mr. Christie), 887, [A. 47, N. 47, M. O.] 910; (Mr. Henley) 1414, [A. 48, N. 80, M. 32] 1419; Select Committee appointed, 1423

BRIGHT, Mr. J., *Durham City*,
British Possessions, 3R. (88) 741
Commercial Policy—Corn Laws, Com. moved for, (83) 1123; Com. (84) 762, 767
Corn Laws, Total Repeal of the, (84) 447, 531
Corporal Punishment in the Army, (88) 450, 453
County Elections, 2R (85) 861
Customs Duties, 3R. (86) 876
Factories, Leave, (83) 408; 2R. (86) 1050
Factory Schools, (83) 544
Ferrand, Mr., his Speech, (84) 118, 238
Forged Petitions, Com. moved for, (84) 318; Instructions, 518
Game Laws—Silvester's Case, (86) 813
Lace Factories, 2R. (86) 945
Militia, The, (83) 369
Poor Removal, Instruction to Committee, (87) 79, 121; 3R. (88) 212
Privilege, Breach of, (86) 817
Railway Bills, (85) 957
Sutlej, Campaign on the, Thanks to the Army, (84) 385
Taylor, Sir C., Charges against, (87) 128

British Museum—Supply, c. (87) 1440

British Possessions Bill,
c. 1R.* (88) 622; 2R.* 629; Com. 678; 3R. 738, [A. 47, N. 8, M. 39] 746; *l* 1R.* 747; 2R. 904; Rep.* 925; 3R.* 972; Royal Assent, 1060

BROCKLEHURST, Mr. J., *Macclesfield*,
Commercial Policy — Silk Manufactures, (84) 1079, 1080

Bronze Manufactures—The Tariff,
c. (84) 1023

BROOKE, Lord, *Warwickshire, S.*
Commercial Policy—Corn Laws, Com. moved for, (83) 696
Corn Importation, 3R. (86) 455

BROOKE, Sir A. B., *Fermanagh*
Commercial Policy—Corn Laws, Com. (84) 738; Rep. 796
Corn Laws, Total Repeal of the, (84) 471

BROTHERTON, Mr. J., *Salford*,
Archbishops and Bishops, Incomes of the, Returns moved for, (83) 449
Charitable Trusts, 2R. (87) 1128
Cheltenham Petition, The, Instruction, (84) 514

BROTHERTON, Mr. J.—*continued*,
Commercial Policy—Corn Laws, Com. moved for, (84) 140
Constabulary (Ireland), Payment of the, Leave, (88) 370
Factories, 2R. (86) 523
Ireland, State of, (85) 1020
Lace Factories, 2R. (86) 948
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1171
Poor Removal, Instruction to Committee, (87) 63, 92; Com. 1385; 3R. (88) 212
Post Office, Com. moved for, (85) 829
Sutlej, Campaign on the, Thanks to the Army, (85) 457
Warner, Captain, his Invention, Address moved, (87) 1096

BROUGHAM, Lord
Address in Answer to the Speech, (83) 29, 40, 46, 47
Administration of Justice in the City of London, (87) 1401
Arrest, Law of, (88) 645, 648
Art Unions, (86) 970
Baths and Washhouses, Petition, (88) 104
Burdens on Land, Com. moved for, (83) 925, 926, 1044, 1045
Business of the House, (87) 1062
Charitable Trusts, (85) 149, 151, 153, 154, 1257; 2R. (86) 780, 790
Cholera, The Asiatic, (88) 226
Clerks of the Crown (Ireland), Returns moved for, (86) 580
Conveyance of Real Property, 1R. (85) 145, 146
Corn Importation, 1R. (86) 730; 2R. 1176, 1182, 1283, 1284, 1286, 1291, 1363, 1367, 1372; Com. (87) 362, 365, 445; *cl.* 1, 566, 579, 580, 586, 590, 594
Corn Laws, The, (84) 479; (85) 1048; (86) 169
Customs Duties, 1R. (86) 866; Com. (87) 777, 782, 785
Death by Accident Compensation, 2R. (85) 969, 970
Deodands Abolition, 2R. (85) 969, 970
Duncombe, Mr. T., Petition of, (86) 147
Dundonald, Earl of, Case of, (88) 275, 700
Education in Wales, (86) 862
Episcopal Bench, The, (87) 667
Flogging in the Army, (88) 599
Game Laws, 2R. (84) 13
Gallicia, Insurrection in—Prince Czartoryski, (87) 1361, 1378
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 103; (87) 541; Rep. 1150, 1156; 3R. 1222
Infant Schools, Returns moved for, (88) 274; Petition, 699
Insolvency, Law of, (84) 219
Ireland, State of, (84) 837; Address moved, 1394, 1408
Law Reform, (88) 705
Newenham's Divorce Bill, (84) 3, 5
Oregon Boundary, The, (83) 341, 342; Correspondence moved for, (84) 1118; (87) 1037
Parliament, New Houses of, Address moved for, (85) 974
Pensions—Infant Schools, Returns moved for, (88) 274
Poor Law Commissioners, Returns moved for, (88) 648, 703

Brougham, Lord—*continued.*
Poor, Relief of the (Ireland), Com, moved for, (88) 485
Poor Law (Ireland)—Privilege, (84) 1214, 1215, 1216, 1271, 1272
Prosecutors, Witnesses, &c., 2R. (84) 772, 773, 777, 778
Protection of Life (Ireland), 2R. (83) 1370; 1386; Com. (84) 691; *cl.* 16, 704, 705
Protest against the Corn Importation Bill, (87) 1137, 1221
Railway Companies Dissolution, 1R. (85) 874, 880; Com. 1343
Railway Legislation, Returns moved for, (85) 1146
Railway Parcels, (88) 698
Railway Travelling on Sundays, (87) 28, 29
Railways, Com. moved for, (83) 358, 366
Railways—Gauge Commission, (84) 8
Railways—Trespass, (87) 1376
Religious Opinions Relief, 2R. (85) 1263, 1264; Questions for the Judges, (86) 318, 583, 604, 606
Salaries of Chief Justices, (87) 1116, 1118, 1119, 1122
Sattara, Rajah of, (86) 219
Seery, Bryan, Execution of, (84) 3, 114
Shore, Rev. Mr., Case of, (87) 869
Small Debts Bill, (88) 227, 228
Sugar Duties, (87) 1115; Petition, (88) 4, 27; 1R. 527, 529, 534, 542
Tariff, The—United States, (83) 423
Van Diemen's Land, Attorney General of, (87) 1035, 1036
Warner, Captain, (88) 706
Waste Lands (Australia), 2R. (88) 703

Browne, Mr., R. D., *Mayo*
Distress (Ireland), (85) 702
Ireland, State of, (85) 100;—Measures of Relief for, (88) 779, 789
Mayo, Distress in, (88) 1016
Protection of Life (Ireland), 1R. Amend. Adj. (85) 360, 362, 374, 612, 783, 786; 2R. (87) 138, 157, 158, 414
Railway Bills (Ireland), (85) 851

Bruce, Mr. C. L. C., *Elginshire and Nairne*
Commercial Policy—Corn Laws, Com. moved for, (83) 1264;—Cattle, (84) 1157

Buccleuch, Duke of
Burghs (Scotland), (86) 175
Customs Duties, 1R. (86) 862; Com. (87) 784
Education in Wales, (86) 862
Metropolitan Buildings, 2R. (84) 1219, 1220
Sites for Places of Worship (Scotland), (87) 1358, 1360

Buck, Mr. L. W., *Devonshire, N.*
Charitable Trusts, 2R. (87) 1129
Commercial Policy—Corn Laws, Com. moved for, (83) 991

Buckingham, Duke of
Corn Importation, Com. (87) 268; *cl.* 1, Amend. 453
Ministerial Explanations, (83) 171, 172

Buckingham Palace—Supply
c. (87) 726, [A. 55, N. 6, M. 4] 732

Budget, The, c. (86) 1429

Buenos Ayres,
c. Question (Lord J. Russell), (83) 370, 1188; *l.* Correspondence moved for (Lord Beaumont), 1152; Motion Withdrawn, 1165; *c.* Question (Viscount Palmerston), (84) 1432

Building Societies,
c. Question (Mr. Ewart), (85) 692

Buller, Sir J. Y., *Devonshire, S.*
Aryshire and Galloway, Rep. (83) 541, 543
Corn Importation, 2R. (84) 1447

Buller, Mr. C., *Liskeard*
Austrian Authorities in Gallicia, (85) 958
Bequests for Pious and Charitable Purposes, 2R. (84) 205
Cheltenham Petition, The, Instruction, (84) 515
Commercial Policy — Corn Laws, Com. (84) 741; Rep. Foreign Books, 810;—Silk Manufactures, 1128;—Timber, 1334
Corn Importation, 2R. (85) 118; Com. *cl.* 1, (86) 91
Corporal Punishment in the Army, (88) 448; Returns moved for, 693
Counsel, Members of the House acting as, (86) 93
Fees in Courts of Law and Equity, Com. moved for, (86) 200
Fraudulent Objections to Voters, Com. moved for, (84) 929
New Zealand, (86) 967; (87) 809
New Zealand, Government of, Leave, (88) 737
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1187
Protection of Life (Ireland), (85) 271; 2R. (87) 980
Railway Projects, (85) 608
Railways, Com. moved for, (83) 196
Records, Public, Com. moved for, (87) 905, 908

Buller, Mr. E., *Stafford*
Commercial Policy—Corn Laws, Com. moved for, (83) 859, 1394

Bunbury, Colonel—The Army in India,
l. Remarks (Duke of Richmond), (84) 623

Burdens on Land,
l. Com. moved for (Lord Beaumont), (83) 912; Amend. (Lord Monteagle) 931; Com. Appointed, 1043

Burghs (Scotland), Bill,
c. (83) 1R.* 486; 2R.* 1165; Rep.* (85) 76; 3R.* 158; *l.* 1R.* 412; 2R.* (86) 24; Com. *add. cl.* (Duke of Richmond), 175; *cl. neg. ib.*; 3R.* 271; Royal Assent, 536

Burial Service Bill,
l. 1R.* (87) 294; 2R.* 868; 3R.* 1065; *c.* 1R.* 1229

Burial Service (No. 2) Bill,
c. 1R.* (87) 1381; 2R.* (88) 184; Rep.* 202; 3R.* 243; *l.* 1R.* 273; 2R.* 331; 3R.* 467; Royal Assent, 1020

Burrell, Sir C. M., *New Shoreham*
Corn Importation, Rep. Amend. (86) 226, 299

Burroughes, Mr. H. N., *Norfolk, E.*
Commercial Policy—Corn Laws, Com. (84) 737

Business of the House (Wednesdays),
c. Res. (Mr. Cardwell), (83) 231; (85) 136, 1214; Statement (Sir R. Peel), (86) 1421

Business of the Session,
c. Observations (Sir R. Peel), (87) 194; *l.* (Marquess of Lansdowne), 1062; *c.* (Sir J. Graham), 1065; (Lord J. Russell), 1162

Bute, Marquess of
Corn Importation, Com. *cl.* 1, (87) 469

Butler, Hon. P. S., *Kilkenny Co.*
Commercial Policy—Corn Laws, Rep. (84) 802
Destitute Poor (Ireland), 2R. (85) 409
Fever (Ireland), Com. (84) 1213
O'Brien, Mr. W. S., Liberation of, (86) 1199
Protection of Life (Ireland), 1R. (85) 564

Butter and Cheese—The Tariff,
c. Amend. (Mr. Grogan), (84) 1027, [*o. q.* A. 213, N. 111, M. 102] 1032—*l. Customs Duties,* Amend. (Earl of Hardwicke), (87) 871, [Contents 33, Not-Contents 50, M. 17] 874

Buttons—The Tariff, c. (84) 1032

Cambridge, Duke of
Art Unions, (86) 968
Charitable Trusts, Petition, (85) 1250
Corn Importation, 2R. (86) 1212
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 102

Camoys, Lord
Game Laws, 2R. (84) 12
Gauge of Railways, 2R. (88) 108
Poor Removal, 2R. (88) 355
Religious Opinions Relief, 2R. (85) 1271, 1280

Campbell, Lord
Arrest, Law of, (88) 647
Burdens on Land, Com. moved for, (83) 1045
Charitable Trusts, (85) 152, 154, 155, 1250; 2R. (86) 793
Conveyance of Real Property, 1R. (85) 146
Death by Accidents Compensation, 2R. (85) 967; 3R. (86) 173, 174; Commons Amends. (88) 926
Deodands, Abolition, 2R. (85) 967; 3R. (86) 173, 174
Drainage (Ireland), Com. (84) 222
London and York Railway, (84) 1273
Metropolitan Buildings, 2R. (84) 1219, 1220
Ministers' Money (Ireland), (83) 1249, 1252
Newenham's Divorce Bill, (84) 5
Parliament, New Houses of, Address moved, (85) 371, 975;—Ventilation, (86) 171; Address moved, (87) 1034
Poor Law (Ireland)—Privilege, (84) 1216
Prosecutors, Witnesses, &c., 2R. (84) 774
Protection of Life (Ireland), 2R. (83) 1364, 1384; Com. *cl.* 16, (84) 702; Rep. *cl.* 16, 843, 844, 977; 3R. *ib.*
Protests against the Corn Importation Bill, (87) 1221

Campbell, Lord—*continued.*
Public Works (Ireland), 2R. (83) 540
Railway Companies Dissolution, 1R. (85) 887, 891; 2R. 1149
Railway Legislation, Com. moved for, (85) 286, 287; Returns moved for, 1145
Railway Travelling on Sundays, (87) 28
Real Property, Burdens on, Com. moved for, (83) 517, 518
Religious Opinions Relief, 1R. (83) 439; 2R. (85) 1287; Questions for the Judges, (86) 321; 415, Com. 609
Salaries of the Chief Justices, (87) 1121
Small Debts Bill, (88) 228; Com. *cl.* 8, 281
Smith, Mr. J. T., Case of, (85) 590

Campbell, Sir H. P. H., *Berwickshire*
Turnpike Roads (Scotland), 2R. (84) 1342

Canada—Commercial Policy of Government,
c. Address moved (Lord G. Bentinck), (86) 553;—Question, 1425; *l.* Papers moved for (Lord Stanley), (87) 1;—*Despatches from,* Remarks (Lord Lyttelton), 668

Canning, Viscount
Chelsea Bridge and Thames Embankment, 2R. (87) 1122, 1123.
Corn Importation, 2R. (86) 1149
Drainage and Ventilation, (87) 938
Metropolitan Buildings, 2R. (84) 1217
Parliament, New Houses of, Address moved, (85) 369, 971;—Ventilation, (86) 170; Address moved, (87) 1033

Cardigan, Earl of
Corn Importation, 2R. (86) 1221

Cardwell, Mr. E., *Clitheroe*
Budget, The, (86) 1467
Business of the House (Wednesdays), (83) 231, 232
Colonial Accounts, (83) 544
Commercial Policy—Corn Laws, Com. moved for, (84) 152; Rep. 791;—Foreign Books, 813;—Spirits, 1132;—Timber, 1166, 1291
Danish Claims, Com. moved for, (85) 1311; Com. (87) 201
Estimates, The, (87) 1101
Factories, 2R. (86) 527
Lichfield Free Grammar School, Papers moved for (85) 376
Parliament, New Houses of, (83) 838
Post Office, Com. moved for, (85) 819;—Irregularities, 1290; (86) 615
Railway Bills, (85) 944
Sessional Orders, (83) 127, 231, 232
Smith, Mr. J. T., Case of, Com. moved for, (86) 541
Supply, (86) 1203;—Civil Contingencies, 1204, 1205;—Houses of Parliament, 1208
Westminster Bridge, (83) 837

Carew, Lord
Lieutenancies, County (Ireland), Correspondence moved for, (86) 109, 113

Carew, Hon. R. S., *Waterford Co.*
Protection of Life (Ireland), 1R. (85) 612

Carnarvon, Earl of
- Corn Importation, 2R. (86) 1245; Com. *cl.* 1, (87) 555

Carnegie, Hon. Capt. S. T., *Stafford*
- Army, Claims of the, Com. moved for, (88) 887
- Supply—Civil Contingencies, (86) 1206

Carrickmacross, Poor Law Union of
- *c.* Question (Colonel Rawdon), (87) 40

Carrying Trade with the Spanish Colonies,
- *c.* Observations (Lord G. Bentinck), (88) 799

Cataraque, The
- *c.* Correspondence moved for, (Mr. Hume), (83) 1049

Cattle—The Tariff
- *c.* Amend. (Mr. W. Miles) (84) 1136, [*o. q.* A. 111, N. 72, M. 39] 1158

Cayley, Mr. E. S., *York, N. Riding*
- Commercial Policy—Silk Manufactures, Amend. (84) 1126
- Corn Importation, 3R. (86) 394, 698

Cemeteries, Public, Bill,
- *c.* 1R.* (87) 1381; 2R. (88) 343; Bill withdrawn, 345

Central Railway (Scotland),
- *c.* 2R. (85) 68; Amend. (Hon. F. Maule), 71, [*o. q.* A. 40, N. 34, M. 6] 72

Chancellor, The Lord, (The Right Hon. Lord Lyndhurst)
- Address in Answer to the Speech, (83) 19; Reply, 164
- Burdens on Land, Com. moved for, (83) 1044, 1045
- Charitable Trusts, (85) 150, 151, 152, 155, 157, 158, 1251; 2R. (86) 733, 768
- Committees, Chairman of, (83) 50
- Customs Duties, Com. (87) 784
- Death by Accident Compensation, 2R. (85) 969; 3R. (86) 174
- Deodands Abolition, 2R. (85) 969; 3R. 86, 174
- Drainage (Ireland), Com. (84) 223
- Duncombe, Mr. T., Petition of, (85) 148
- Ireland, Crime in, Returns moved for, (86) 977
- Newenham's Divorce Bill, (84) 4
- Prosecutors, Witnesses, &c., 2R. (84) 774, 777
- Protection of Life (Ireland), Com. *cl.* 15, (84) 696; *cl.* 16, 702, 715; Rep. *cl.* 1, Amend. 840, 841, 842; *cl.* 16, 844, 845, 976; 3R. 978
- Real Property, Burdens on, Com. moved for, (83) 518
- Religious Opinions Relief, 1R. (83) 439; 2R. (85) 1252, 1268, 1287; Questions for the Judges, (86) 307, 309, 320, 416, 582, 583; Com. 590, 606, 612
- Seery, Bryan, Execution of, (84) 3
- Sutlej, Campaign on the, Thanks to the Army, (84) 367, 379

(*See also* Lyndhurst, Lord)

Chancellor, The Lord, (The Right Hon. Lord Cottenham)
- Arrest, Law of, (88) 648
- Parliament, Prorogation of, (88) 1061, 1063
- Poor Removal, 2R. (88) 356

Chancellor, The Lord—*continued.*
- Salaries of the Chief Justices, (87) 1122
- Small Debts, 2R. (88) 109; Com. 280, 281; Commons' Amend. 1056
- Sutlej, Campaign on the, Acknowledgment of Vote of Thanks, (87) 1403

(*See also* Cottenham, Lord)

Chancellor of the Exchequer, (The Right Hon. H. Goulburn), *Cambridge University*
- Bridport Election, (86) 898
- Budget, The, (86) 1429, 1453, 1460
- Building Societies, (85) 692
- Business of the House (Wednesdays), (83) 233
- Central Railway (Scotland), 2R. (85) 71
- Chiltern Hundreds, The—Recent Resignations, Returns moved for, (83) 504
- Colonial Office—Appointment of Mr. Rogers, (86) 1421
- Commercial Policy—Corn Laws, Com. moved for, (84) 44; Rep. Foreign Books, 810, 812; —830;—Butter, 1029; Hops, 106; Cattle, 1146, 1148
- Corn Importation, 2R. (85) 59; Com. *cl.* 1, (86) 92; Oats, 134
- Corn Laws, Flaw in the, (83) 546, 839
- Counsel, Members of the House acting as, (86) 92, 93
- Cunard's Line—Communication with the United States, Papers moved for, (87) 481, 482
- Customs Duties, Com. (86) 837
- Danish Claims, Com. moved for, (85) 1302; Com. Amend. (87) 196
- Fever (Ireland), Leave, (84) 1001
- Foreign Grain in Bond, Returns moved for, (83) 738, 740
- Maize, Purchase of, (83) 491
- Manning, Mr.—New South Wales, (87) 904
- Peel, Sir R., his Explanation, (87) 744
- Post Office, Com. moved for, (85) 834
- Printing Papers, Com. moved for, (84) 15
- Protection of Life (Ireland), 1R. (85) 784
- Public Business, (84) 1124
- Public Works (Ireland), Rep. *cl.* 5, (83) 433, 638
- Railway Bills, (85) 936
- Railway Bills (Ireland), (85) 851
- Railway Deposits, (83) 131, 372, 373; Leave, 1145; 2R. (85) 382
- Railways, Com. moved for, (84) 1263, 1430
- Records, Public, Com. moved for, (87) 908
- Resignation of Ministers, (87) 1059
- Smith, Mr. J. T., Case of, Com. moved for, (86) 551
- Sugar Duties, (87) 636, 637, 811, 816, 817; Rep. 905
- Supply, (84) 975; — Civil Contingencies, (86) 1206;—Public Departments, 1207
- Tea, Duty on, Correspondence moved for, (85) 964

(*See also* Goulburn, Right Hon. H.)

Chancellor of the Exchequer (Right Hon. C. Wood), *Halifax*
- British Possessions, Com. (88) 680; 3R. 738, 746
- Corn Laws, The New, Error in, (88) 466, 467, Com. moved for, 736
- Customs Duties — Rum, (88) 568, 575; 3R. 908

CHANCELLOR OF THE EXCHEQUER—*cont.*
- Expenditure, Increased, (88) 331
- Ireland, Measures of Relief for, (88) 778, 795
- Joint Stock Banks (Scotland and Ireland), Com. (88) 217; *cl.* 1, 221
- Malta, Carnival at, (88) 329
- Military Pensions, (88) 564
- Poor Removal, Com, (87) 1392; 3R. (88) 206
- Provisions for Ireland, (88) 29, 31
- Railway Commissioners, Leave, (88) 891, 892; Com. 930; *cl.* 1, 935
- Railway Legislation, (88) 846, 848
- Spirit Licenses and Duties, 3R. (88) 368
- Sugar Duties, (87) 1330, 1333; Com. *cl.* 1, 1406; (88) 54; Res. 250, 253, 258, 264, 266; 3R. 465
- Sugar Duties, Annual, (88) 565
- Supply—Poor Law Commissioners, (87) 1106;—Education, 1258;—National Gallery, 1264;—Failure of the Potato Crop (Ireland), (88) 725;—Buckingham Palace, 726;—Retirement of Naval Officers, 842, 844
- Tobacco Duties, (88) 342
- Troops in the Colonies, (87) 1231
- United States, Mail Steam Packets, Com. moved for, (87) 1430
- Warner, Captain, his Invention, Address moved, (87) 1096

(*See also* WOOD, Right Hon. C.)

CHANDOS, Marquess of, *Buckingham*
- Protection of Life (Ireland), 2R. (87) 1018

Channel Islands, Laws of the,
c. Question (Mr. Roebuck), (86) 176; (Dr. Bowring), (88) 708

CHAPMAN, Mr. A., *Whitby*
- Commercial Policy—Timber, (84) 1295
- Supply—Civil Contingencies, (86) 1206

Chapman, Mr., Appointment of,
c. Papers moved for (Mr. Wodehouse), (83) 441

Charitable Trusts,
c. Question (Mr. Trelawny), (83) 454

Charitable Trusts Bill,
l. 1R.* (83) 1146; Observations (Lord Brougham), (85) 149; Petitions (Duke of Cambridge), 1250; 2R.* (86) 733, [Contents 40, Not-Contents 42, M. 2] 809

Charitable Trusts Bill (No. 2)
c. 1R.* (87) 808; 2R. 1128, [A. 42, N. 12, M. 30] 1135; Com. 1362; Com. postponed, 1363; Com. (88) 184; Amend. (Sir R. Inglis), 185; Bill put off, 187

CHARLEVILLE, Earl of
- Duncombe, Mr. T., Petition of, (85) 147

Chelsea Bridge, and Thames Embankment,
l. 2R. (87) 1122

Chelsea Out-Pensioners Payment Bill,
c. 1R.* (84) 716; 2R. 973; Rep.* 1044; 3R.* 1121; *l.* 1R.* 1214; 2R.* (85) 74; Rep.* 145; 3R. 272; Royal Assent, 412

Chelsea Out-Pensioners Services Bill,
c. 1R.* (84) 714; 2R.* 929; Rep.* 1121; 3R.* 1167; *l.* 1R.* 1214; 2R.* (85) 74; Rep.* 145; 3R.* 272; Royal Assent, 412

Cheltenham Petition, The,
c. Com. moved for (Hon. C. Berkeley), (84) 380, 527; Instruction (Mr. Newdegate), 502; Motion withdrawn, 527

Cheshire Agricultural Society,
l. Petition (Viscount Combermere), (87) 228; Remarks (Lord Delamere), 438

Cheshire Returning Officer Bill,
c. 1R.* (88) 282; 2R. 340; 3R.* *ib.*; *l.* 1R.* 331; 2R.* 349; 3R.* *ib.*; Royal Assent, 371

Chief Justices, Salaries of the,
l. Observations (Lord Brougham), (87) 1116

CHILDERS, Mr. J. W., *Malton*
- Corn Importation, 2R. (84) 1471

Chiltern Hundreds, The—Recent Resignations,
c. Returns moved for (Mr. G. Bankes), (83) 502

Cholera, The Asiatic,
l. Question (Earl Fitzhardinge), (88) 224

CHOLMONDELEY, Hon. H., *Montgomery*
- Corn Importation, 2R. (84) 1468

CHRISTIE, Mr. W. D., *Weymouth*
- American Mail Steam Packets, Com. moved for, (87) 1427
- Andover Union, The, Com. moved for, (84) 645; Amend. 674
- Bridport Election, (85) 1077; Amend. (86) 887, 308, 910
- Day, Mr., Dismissal of, Correspondence moved for, (85) 794, 807
- Education of the People, (87) 1241
- Haydock Lodge Asylum—Poor Law Commission, (87) 688
- Lichfield Free Grammar Schools, Papers moved for, (85) 379
- Loughborough Petty Sessions, (86) 223;—Correspondence moved for, (88) 204
- Milbank Prison, Com. moved for, (87) 1439
- Paupers, Employment of, (83) 458, 506, 507
- Poor Laws — Magisterial Oppression, (86) 810, 1426; (87) 378
- Post Office, Committee moved for, (85) 829
- Privilege, Breach of, (86) 818
- Stripping Infants in Workhouses, (85) 692

CHRISTOPHER, Mr. R. A., *Lincolnshire, Parts of Lindsey*
- Commercial Policy—Corn Laws, Com. moved for, (84) 144, 156
- Poor Removal, Instruction to Committee, (87) 52

Church of Ireland,
c. Observations (Mr. A. S. O'Brien), (84) 98

Church of Scotland and the Duke of Richmond,
c. Observations (Hon. F. Maule), (87) 376;—see *Sites for Places of Worship*

Churches Bill,
c. 1R.* (87) 374; 2R. 760; 2R. put off, 761

Churches, Erection and Repair of, in Consolidated Ecclesiastical Districts Bill,
c. 1R.* (87) 196

Churchill, Lord A., *Woodstock*
Commercial Policy—Corn Laws, Com. moved for, (83) 984

Citations (Scotland), Bill,
c. 1R.* (83) 486; 2R.* 540; Rep.* 638; 3R.* 749; *l.* 1R.* 1043; 2R.* (88) 371; 3R.* 695; Royal Assent, 1021

Civil Contingencies—Supply, c. (86) 1204

Clancarty, Earl of
Corn Importation, Com. *cl.* 1, (87) 456
Evictions (Ireland), (85) 491
Fever (Ireland) Bill, (85) 74
Ireland, Condition of, Address moved, (88) 242
Poor, Relief of, Com. moved for, (83) 461
Poor Law (Ireland)—Privilege, (84) 1214, 1215, 1271;—Committee, Report, (88) 1
Protection of Life (Ireland), 2R. (83) 1379; Com. *cl.* 13, (84) 696; Rep. 976

Clanricarde, Marquess of
Bellerophon and Rodney, The, (84) 1120
Clerks of the Crown (Ireland), Address moved, (86) 576, 581
Corn Importation, Com. *cl.* 1, (87) 550
Crime in Ireland, Returns moved for, (83) 743
Duncombe, Mr. T., Petition of, (85) 148
Ejectment of Tenantry (Ireland), Returns moved for, (85) 278
Hardinge, Viscount, and Lord Gough's Annuities, Com. (87) 30; Rep. 1158
Ireland, State of, Address moved, (84) 1408;—Crime in, Returns moved for, (86) 976, 977
London and York Railway, (84) 1272, 1274
Ministerial Explanations, (83) 178
Parliament, New Houses of, Address moved, (85) 367, 368, 371, 970;—Ventilation, (86) 170; Address moved, (87) 1033
Prosecutors, Witnesses, &c., 2R. (84) 775
Protection of Life (Ireland), 2R. (83) 1375; Com. *cl.* 16, (84) 707, 716; Rep. *cl.* 1, 840, 841, 843
Railway Companies Dissolution, 1R. (85) 884; Com. 1349
Railway Legislation, Resolutions, (85) 1057
Railways, (83) 234

Clare, Earl of
Poor Law (Ireland)—Privilege, (84) 1216, 1272

Clarendon, Earl of
British Possessions, 2R. (88) 904
Constabulary (Ireland), 3R. (88) 1021
Corn Importation, 2R. (86) 1228, 1333; Com. *cl.* 1, (87) 545
Distress in Ireland, (88) 1059
Gauge of Railways, 2R. (88) 105, 107; Com. 201
Oregon Boundary, The, Correspondence moved for, (84) 1112

Clarendon, Earl of—*continued.*
Preston, Liverpool, and Ormskirk Railway, (87) 1381
Railway Bills, Com. moved for, (88) 197, 201; Rep. 228
Railway Commissioners, 3R. (88) 1057
Railway Parcels, (88) 697
Railways—Broad and Narrow Gauge, (87) 1229
Railways—Trespass, (87) 1376
Sugar Duties, (87) 1116; 1R. (88) 467, 509; 2R. 649

Clay, Sir W., *Tower Hamlets*
Commercial Policy—Corn Laws, Com. moved for, (83) 985
Crime in Ireland, Returns moved, (83) 748
Public Institutions, Admission to, on Sundays, (88) 725

Clements, Viscount, *Leitrim*
American Mail Steam Packets, Com. moved for, (87) 1427
Clerks of the Crown, &c. (Ireland), Leave, (87) 762
Commercial Policy—Corn Laws, Com. moved for, (83) 669
Public Works (Ireland), (83) 187

Clerk, Right Hon. Sir G., *Stamford*
Books and Engravings, Com. (87) 1136
Canada—Commercial Policy of Government, Address moved, (86) 594
Central Railway (Scotland), 2R. (85) 70
Colonial Tariffs, Copies moved for, (83) 640, 754
Commercial Policy—Corn Laws, Com. moved for, (83) 1420; (84) 135; Rep. Foreign Books, 809, 813, 1021;—Bronze, 1026;—Butter, 1027;—Cotton, 1037;—Straw Plait, 1067;—Silk Manufactures, 1081;—Hides, 1161;—Timber, 1327
Customs Duties, 3R. (86) 874
Eclair, Case of the, (83) 544
Fisheries, French, (83) 459
Foreign Wheat in Bond, Damage to, (84) 502
Joint Stock Banks (Scotland and Ireland) Com. *cl.* 1, (88) 223
Merchant Seamen's Fund, (83) 639
Mint Prosecutions, (85) 788
Quarantine Laws, Address moved, (86) 881
Railway Bills (Ireland), (83) 1259
Railway Companies Dissolution, Com. *cl.* 11, (86) 912
Railway Legislation, (86) 223
Railway Projects, (85) 600
Railway Termini in the Metropolis, (84) 1226
Railways, Report of Select Committee, (83) 523;—Petition, 836;—Amalgamation of, (84) 780; Com. moved for, 1249, 1423;—Broad and Narrow Gauge, Resolutions, (87) 595, 610, 612, 634, 636
Resignation of Ministers, (87) 1059
Standing Orders—Railways, (85) 1211
Steam Navigation, Leave, (87) 103

Clerks, Correction of, Bill,
l. 1R.* (87) 631; 2R.* 1033

Clerks of the Crown, (Ireland)
l. Returns moved for, (86) 576

Clerks of the Crown, &c., (Ireland) Bill
c. Leave, (87) 761; 1R.* 762; 2R.* 964

CLEVELAND, Duke of
Corn Importation, 2R. (86) 1114; 3R. (87) 949
Hardinge, Viscount, and Lord Gough's Annuities, (87) 541
Railway Legislation, Returns moved for, (85) 1144

CLIVE, Viscount, *Salop, N.*
Bequests for Pious and Charitable Purposes, 2R. (84) 591
Commercial Policy—Corn Laws, Com. moved for, (83) 725
Enclosure Acts, (87) 1230
Roman Catholic Relief, Com. (87) 926
St. Asaph and Bangor, Sees of, (88) 285, 286

CLONCURRY, Lord
Corn Importation, Com. *cl.* 1, (87) 561

Clover—The Tariff, c. (84) 1135

Coal Whippers (Port of London) Bill,
c. 1R.* (84) 501; 2R.* 1121; 3R. (85) 891; *l.* 1R.* 1047; 2R.* (87) 1355; Rep.* 1375; 3R.* 1400; Royal Assent, (88) 1

COBDEN, Mr. R., *Stockport*
Commercial Policy—Corn Laws, Com. moved for, (84) 275
Corn Importation, 2R. (85) 160; 3R. (86) 617, 619, 623
Corn Laws, Total Repeal of the, (84) 558
Factories, 2R. (86) 1075
Ferrand, Mr., and his Accusers, (84) 248
Ireland, State of, (85) 1010, 1020
Orders of the Day, (85) 329
Protection of Life (Ireland), 2R. (87) 1024

COCHRANE, Mr. A. D. R. W. B., *Bridport*
Bridport Election, (85) 977, 979
Commercial Policy—Corn Laws, Com. moved for, (83) 568, 972
Entailed Lands (Scotland), (83) 424, 426
Greece, Finances of, (85) 674
Greek Loan, The, (83) 1389
Stoddart, Colonel, and Captain Conolly, (85) 979

COCKBURN, Right Hon. Sir G., *Ripon*
Aqueducts—Standing Orders, (84) 1221
Electric Telegraphs, (83) 527
Marine Mutiny, Com. (84) 1269, 1270
Naval Courts Martial—Flogging Sailors, (87) 1344, 1345; (88) 271, 272
Navy Civil Departments, 2R. (87) 627
Supply—Navy Estimates, (87) 1455, 1459

COLBORNE, Hon. W. N. R., *Richmond*
Corn Laws, Total Repeal of the, (84) 444
Metropolitan Buildings, 2R. (84) 1218

COLCHESTER, Lord
Corn Importation, Com. (87) 272
Customs Duties, Com. (87) 805;—Hops, 877
Plata, Rio de la, Correspondence moved for, (83) 1162
Religious Opinions Relief, 2R. (85) 1287
Sutlej, Campaign on the, Thanks to the Army, (85) 434

COLEBROOKE, Sir T. E., *Taunton*
Sutlej, Campaign on the, Thanks to the Army, (84) 420

Colleges, New (Ireland),
c. Question (Mr. E. B. Roche), (86) 789

COLLETT, Mr. J., *Athlone*
Archbishops and Bishops, Incomes of, Returns moved for, (83) 449
Bridport Election, (85) 978
Business of the House (Wednesdays), (83) 231, 233
Commercial Policy—Corn Laws, Com. (84) 722
Corn Importation, 2R. (85) 55
Corn Laws, Flaw in the, (83) 546, 838
Elections, Interference of Peers at, Com. moved for, (83) 1167, 1188
Evidence before Committees, (88) 282
Game Laws—Silvester's Case—Capt. Lyons, and Sir C. Taylor, (86) 329, 811, 812, 813, 959; (87) 123, 125; (88) 565, 566
Nelson Monument, The, Question, (83) 127
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1184
Protection of Life (Ireland), 1R. (85) 776
Railways, Com. moved for, (83) 223;—Report of Select Committee, 523
Taylor, Sir C., Charges against, (87) 123, 125

COLLETT, Mr. W. R., *Lincoln*
Protection of Life (Ireland), 1R. (85) 366, 727, 1386; 2R. (87) 830
Railway Bills, (85) 941
Railway Deposits, 2R. (85) 383
Railway Projects, (85) 607
Railways, Com. moved for, (83) 212;—Amalgamation of, Com. moved for, (84) 1431;—Broad and Narrow Gauge, Resolutions, (87) 611
Taylor, Sir C., Charges against, (87) 129

Colonial Accounts,
c. Question (Dr. Bowring), (83) 544

Colonial Office—Appointment of Mr. Rogers,
c. Observations (Rt. Hon. R. V. Smith), (86) 1420; (88) 366

Colonial Postage,
c. Question (Mr. Roebuck), (83) 1262

Colonial Produce—Foreign Spirits,
c. Question (Mr. P. M. Stewart), (83) 427

Colonial Tariffs,
c. Copies moved for (Mr. Hume), (83) 639, 754

Colonies, Representative Governments in the,
c. Remarks (Mr. Hume), (88) 714

Colonies, Troops in the,
c. Remarks (Sir De L. Evans), (87) 1231

COLQUHOUN, Mr. J. C., *Newcastle, Staff.*
Address in Answer to the Speech, Report, (83) 134, 150
Bequests for Pious and Charitable Purposes, 2R. (84) 616
Commercial Policy—Corn Laws, Com. moved for, (83) 756
Corn Importation, 3R. (86) 616

Colquhoun, Mr. J. C.—*continued.*
Factories, Leave, (83) 403; 2R. (86) 466
Ferrand, Mr., his Speech, (84) 119
Fever (Ireland), Leave, (84) 982
Protection of Life (Ireland), 1R. (85) 1356; 2R. (87) 491
Roman Catholic Relief, 2R. (84) 957, 961; Com. Amend. (86) 141, 154, 160; (87) 1029
Settlement, Law of, Com. moved for, (85) 88

Combermere, Viscount
Cheshire Agricultural Society, (87) 228, 229, 230, 440

Commercial Duties,
c. Copies moved for (Mr. Hume), (83) 639, 754

Commercial Policy — Customs — Corn Laws,
c. Com. moved for (Sir R. Peel), (83) 237; Question (Mr. Pattison), 492; (Lord J. Russell), 493; Reply (Sir R. Peel), 548; Amend. (Mr. P. Miles), 549; Adj. Debate, 642, 756, 839, 965, 1089, 1190, 1264, 1394; (84) 15, 121, 249, [A. 337, N. 240, M. 97] 349; Amend. (Hon. C. Villiers), 421; Adj. (Mr. Borthwick), [A. 70, N. 227, M. 157] 467; Adj. Debate, 527, [*o. q.* A. 265, N. 78, M. 187] 575; Amend. (Hon. W. O. Stanley), 717; Amend. neg. 726; (Mr. M. Milnes), 727; Motion withdrawn, 744; Question (Sir R. H. Inglis), 784; Report, 785; Amend. (Mr. R. Spooner), 1010; Amend. withdrawn, 1023, 1056, 1126, 1284

Commercial Policy of Government—Canada,
c. Address moved for (Lord G. Bentinck), (86) 553; Question, 1425

Committees, Attendance on,
c. Observations (Mr. Estcourt), (85) 1211; Question (Mr. Gisborne), (86) 464

Committees, Chairman of,
l. The Earl of Shaftesbury proposed, (83) 50

Common Pleas, Court of,
c. Question (Hon. J. S. Wortley), (88) 28

Common Pleas, Court of, Bill,
c. 1R.* (88) 202; 2R.* 243; Rep.* 343; 3R;* 358; *l.* 1R.* 371; 2R.* 645; Rep.* 695; 3R.* 747; Royal Assent, 844

Commons Inclosure Bill,
c. 1R.* (85) 691; 2R.* 702; Rep.* 787; 3R.* 852; *l.* 1R.* 967; 2R.* 1142; Rep.* 1334; 3R.* (86) 1; Royal Assent, 536

Commons Inclosure Act Amendment Bill (No. 2),
l. 1R.* (86) 1290; 2R.* (87) 294; Rep.* 539; 3R.* 666; *c.* 1R.* 964; 2R.* 1040; Com. 1127; Rep.* 1362; 3R.* 1404; *l.* Royal Assent, (88) 1020

Commons Inclosure Act Amendment Bill (No. 3),
c. 1R.* (88) 371; 2R.* 545; Rep.* 622; 3R.* 629; *l.* 1R.* 645; 2R.* 844; Rep.* 925; 3R.* 948; Royal Assent, 1020

Conolly, Colonel E. M., *Donegal Co.*
Commercial Policy—Corn Laws, Com. moved for, (84) 21
Poor Law (Ireland) (83) 733
Protection of Life (Ireland), 1R. (85) 1129, 1137; 2R. (87) 983
Public Works (Ireland) 2R. (83) 336; Rep. *cl.* 5, 432
Railway Bills (Ireland) (85) 849

Conolly, Captain, and Colonel Stoddart,
c. Question (Mr. A. B. Cochrane), (85) 979

Consolidated Fund Bill, (8,000,000*l.*)
c. 1R.* (84) 1043; 2R.* 1121; Rep.* 1220; 3R* 1274; *l.* 1R.* 1271; 2R.* 1343; Rep.* (85) 1; 3R.* 74; Royal Assent, 272

Consolidated Fund Bill, (4,000,000*l.*)
c. 1R.* (88) 27; 2R.* 184; Rep.* 243; 3R.* 282; *l.* 1R.* 331; 2R.* 349; Rep.* 371; 3R.* 467; Royal Assent, 645

Consolidated Fund Appropriation Bill,
c. 1R.* (88) 845; 2R* 875; Rep.* 928; 3R.* 953; *l.* 1R.* 948; 2R.* 272; Rep.* 995; 3R.* 1020; Royal Assent, 1060

Constables, High, Bill,
l. 1R.* (83) 234; 2R.* 337; 3R.* (86) 299

Constabulary (Ireland), Payment of the,
c. Com (88) 464; Rep. 597

Constabulary (Ireland), Payment of the, Bill,
c. 1R.* (88) 845; 2R. 876; Rep.* 928; 3R. 954; *l.* 1R.* 948; 2R. 975; Rep.* 995; 3R. 1021; Protest *ib.*; Royal Assent, 1060

Contagious Diseases Prevention Bill,
c. 1R.* (88) 343; 2R.* 463; Rep.* 622, 707; 3R.* 750; *l.* 1R.* 844; 2R.* 893; Com. 925; Rep.* 928; 3R.* 972; Royal Assent, 1060

Conveyance of Real Property Bill,
l. 1R. (85) 145

Convicts in Australia,
l. Question (Earl Grey) (86) 870

Convicts, Superintendent of, Bill,
c. 1R.* (86) 612; 2R.* 871; Rep.* 980; 3R.* 1195; *l.* 1R.* 1290; 2R.* (87) 539; 3R. 869; Royal Assent, 1061

Coote, Sir C. H., *Queen's Co.*
Protection of Life (Ireland), 1R. (85) 753

Copeland, Alderman W. T., *Stoke-upon-Trent.*
Commercial Policy—Corn Laws, Com. (84) 745; Rep. 832

Copyhold Commission Bill,
c. 1R.* (88) 243; 2R.* 282; Rep.* 358; 3R.* 371; *l.* 1R.* 467; 2R.* 598; Rep.* 645; 3R. 695; Royal Assent, 844

Corbally, Mr. M. E., *Meath,*
Ireland, State of, (85) 1020

Corn Importation Bill,
c. 1R.* (84) 778; Question (Lord J. Russell), 1280; 2R. 1439; Adj. Deb. (85) 4, 89, 160, [A. 302, N. 214, M. 88] 265; Com. Amend. (Lord G. Bentinck), (86) 35; Amend. withdrawn, 70, [A 85, N. 181, M. 96] 89; *cl.* 1, *r. p.* (Mr. P. Bennett) [A. 55, N. 166, M. 111] 91;—*Oats*, Amend. (Lord G. Bentinck), 121; Amend. withdrawn, 137; Rep. Amend. (Sir C. Burrell), 226; Amend. withdrawn, 299; 3R. Amend. (Marquess of Granby), 330; Adj. Debate, 421, 616, [*o. q.* A. 327, N. 229, M. 98] 721; *l.* 1R. 728; 2R. 1084; Adj Debate, 1210, 1290, [Contents 211, Non-Contents 164, M. 47] 1405; Com. Amend. (Earl Stanhope), (87) 231; Adj. Debate, 294; *cl.* 1, Amend. (Duke of Buckingham), 453, [*o. q.* Contents 130, Not-Contents 103, M. 27] 478; *cl.* 1, Amend. (Earl of Wicklow), 544, [Contents 107, Not-Contents 140, M. 35] 594; *add. cl.* (Duke of Richmond), 669; *cl. neg.* 684; Rep. *ib.*; Res. (Lord Ashburton), 763, [Contents 47, Not-Contents 70, M. 23] 775; 3R. 939; Bill passed, 959; Protests, 961; Royal Assent, 1033

Corn Importation,
l. Petition of the Merchants, &c. of London against (Lord Stanley), (87) 441;—Explanation (Bishop of St. David's), 445; Question (Earl of Stanhope), 541;—Protests against, 1137, 1220

Corn Laws,
c. Com. moved for, Adj. Debate, (84) 15, 121, 249, [A. 337, N. 240, M. 97] 349; Amend. (Hon. C. Villiers), 421; Adj. (Mr. Borthwick), [A. 70, N. 227, M. 157] 467; Adj. Debate, 527, [*o. q.* A. 265, N. 78, M. 187] 575; Amend. (Hon. W. O. Stanley), 717; Amend. neg. 726; Amend, (Mr. M. Milnes), 727; Motion withdrawn, 744; Question (Sir R. H. Inglis) 784; Report, 785; Amend. (Mr. R. Spooner), 1010; Amend. withdrawn, 1023, 1056, 1126, 1284; Question (Lord John Russell), 1280; *l.* Petition (Earl of Hardwicke), 473; Returns moved for, (Lord Brougham) (85) 1048; (Lord Ashburton), (86) 168; Petition (Earl of Hardwicke), 415; Returns moved for (Lord Stanley), 537

Corn Laws, Total and Immediate Repeal of the,
c. (Hon. C. Villiers), (84) 421; Adj. (Mr. Borthwick), [A. 70, N. 227, M. 157] 467; Adj. Debate, 527, [*o. q.* A. 265, N. 78, M. 187] 575

Corn Laws—Agricultural Protection,
l. Petitions (Duke of Richmond), (83) 164, 234, 337, 342; *c.* Com. moved for, (Sir R. Peel), 237; Remarks (Mr. Wodehouse), 441; Question (Mr. Pattison), 492; (Lord J. Russell), 493; Reply (Sir R. Peel), 547; Amend. (Mr. P. Miles), 549; Adj. Debate, 742, 756, 839, 965, 1089, 1190, 1264, 1394;—*l. Cheshire Agricultural Society,* Petition (Viscount Combermere), (87) 228, 438

Corn Laws, Flaw in the,
c. Question, Mr. J. Collett, (83) 546, 838;—*Foreign Grain in Bond,* Return moved (Lord G. Bentinck), 736

Corn Laws, The New, Error in,
c. Remarks (Hon. C. P. Villiers), (88) 465; Com. moved for 733; Motion withdrawn, 737

Coroners (Ireland) Bill,
c. 1R.* (85) 68; 2R.* 435; Rep.* (86) 1421; (87) 964; 3R.* 1040; *l.* 1R.* 1060; 2R.* 1064; 3R.* 1220; Royal Assent, (88) 1

Corporal Punishment in the Army,
c. Question (Dr. Bowring) (87) 1302; Reply (Lord J. Russell) (88) 243, 374; Motion (Dr. Bowring) 381, [*o. q.* A. 90, N. 37, M. 53] 461; Res. (Mr. B. Osborne), 462, [*o. q.* A. 81, N, 25, M. 56] 463; *l.* Petition (Earl Fortescue) 598, 695; *c.* Returns moved for, (Mr. Escott), 685; Amend. (Hon. F. Maule), 686; Questions (Dr. Bowring), 757

Corporal Punishment in the Navy,
c. Remarks (Mr. W. Williams), (87) 1337

Correction of Clerks Bill,
l. 1R.* (87) 631; 2R.* 1033

Corresponding Societies Act Amendment Bill,
c. Leave, (85) 468; 1R.* 891; 2R.* (86) 141; Rep. 912, 1195; 3R.* 1408; *l.* 1R.* (87) 27; 2R.* 868; Rep.* 937; 3R.* 1136; Royal Assent, (88) 1

CORRY, Right Hon. H. T. F., *Tyrone,*
Great Liverpool Steamer, (44) 1227
Marine Mutiny, Com. *add. cl.* (84) 1269
Naval Retirement, (83) 183; (88) 842
Navy Civil Department, 2R. Amend. (87) 623
Supply—Retirement of Naval Officers, (88) 842

COTTENHAM, Lord
Charitable Trusts, (85) 151, 152, 156, 157, 158, 1251; 2R. Amend. (86) 752
Drainage (Ireland), Com. (84) 221, 222, 223
Protection of Life (Ireland), Com. *cl.* 16, (84) 708, 715; Rep. *cl.* 16, 843, 844, 845
Public Works (Ireland), 2R. (83) 538
(*See also* CHANCELLOR, The LORD)

Cotton Manufactures—The Tariff
c. Amend. (Sir H. Halford), (84) 1034, [*o. q.* A. 190, N. 102, M. 88] 1041

Counsel, Members of the House of Commons acting as,
c. Leave moved for, (Mr. Hawes), (85) 92; Motion withdrawn, 93

County Elections Bill,
c. 1R.* (84) 1220; 2R. (85) 860, [A. 32, N. 55, M. 23] 865

County Rates Bill,
c. 1R.* (86) 612

County Works Presentment (Ireland) Bill,
c. 1R.* (83) 540; 2R.* 727; Com. 912; Rep. 960, 1144; 3R.* 1165; *l,* 1R.* 1146; 2R.* (84) 110; Rep.* 219; 3R.* 354; Royal Assent, 623

County Works Presentment (Ireland) Amendment Bill,
c. 1R.* (86) 1408; 2R.* (87) 39; Rep.* 595, 684; 3R.* 808; *l.* 1R. 868; 2R.* 937; Rep.* 1033; 3R. (88) 972; Royal Assent, 1020

County Works Presentment (*Ireland*) (*No.* 2), *Bill*,
c. 1R.* (88) 545; 2R.* 622; Rep.* 707; 3R.* 737; *l.* 1R.* 747; 2R.* 893; Rep.* 925; 3R.* 948; Royal Assent, 1020

Courtenay, Viscount, *Devonshire, S.*
Andover Union, Leave to Report Proceedings of Committee, (85) 1409, 1410, 1413

Courtown, Earl of
Distress in Ireland, (88) 1059
Protection of Life (Ireland), Com. *cl.* 16, (84) 715

Courts of Law (*Scotland*),
c. Question (Mr. Hume), (88) 28

Cowper, Hon. W. F., *Hertford*
Factories, 2R. (86) 484
Lace Factories, 2R. (86) 948
Navy Manning, The, (88) 874
Polish Nuns, The, Papers moved for, (84) 677, 683
Roman Catholic Relief, Com. (87) 928
Shetland, Distress in, (85) 1217
Supply—Retirement of Naval Officers, (88) 838, 839, 840, 844

Cracow, Independence of,
l. Address moved (Lord Beaumont), (88) 602; Amend. (Marquess of Lansdowne), 612; *c.* Address moved (Mr. Hume), 815; Motion withdrawn, 838

Crawford, Mr. W. S., *Rochdale*
Address in Answer to the Speech, Report, (83) 162
Andover Union, The, Com. moved for, (84) 672
Army (Ireland), 2R. (88) 581
Business of the House, (85) 141
Commercial Policy—Corn Laws, Com. moved for, (83) 657; Com. (84) 764; Rep. 794, 796
Corn Importation, 3R. (86) 446
Elections, Interference of Peers at, (83) 1188
Factories, Leave, (83) 416; 2R. (86) 516
Fever (Ireland), Leave, (84) 993; Com. 1173; Rep. 1229
Ireland, State of, (85) 1005;—Measures of Relief for, (86) 1196
Lace Factories, 2R. (86) 945
Landlord and Tenant (Ireland), Com. (87) 291; (88) 282
Poor Law (Ireland), (83) 420, 727, 736
Protection of Life (Ireland), 1R. (85) 1388; 2R. (87) 818
Public Works (Ireland), 2R. (83) 333, 334; Rep. *cl.* 5, 433
Waste Lands (Ireland), Leave, (85) 1206

Crime in Ireland,
l. Returns moved for (Marquess of Clanricarde), (83) 743

Criminal Cases, Appeal in,
c. Question (Mr. Ewart), (83) 642

Criminal Justice, Administration of, Bill,
l. 1R.* (83) 507; 2R.* 528, Rep.* 832; 3R. 912; *c.* 1R.* (85) 158; 2R.* 371; Com. *add. cl.* (Hon. E. Law), (86) 166; *cl.* withdrawn, 167; Rep.* (87) 196; 3R.* 614; *l.* Royal Assent, 1033

Crown Charters (*Scotland*) *Bill*,
c. 1R.* 538; 2R.* (86) 1408; Rep.* (88) 27

Crown Solicitor (*Ireland*),
c. Question (Right Hon. D. R. Pigott), (88) 1261

Cunard's Line—Communication with the United States,
c. Papers moved for, (Mr. P. Miles), (87) 481

Curteis, Mr. H. B., *Rye*
Commercial Policy—Corn Laws, Com. moved for, (83) 316; Com. (84) 726; Rep. Foreign Books, 816;—Hops, 821
Corporal Punishment in the Army, (88) 460
Enlistment in the Army, Address moved, (88) 314
Hardinge's Viscount, Annuity, Com. (86) 857

Customs—Corn Laws,
c. Com. moved for (Sir R. Peel), (83) 237; Amend. (Mr. P. Miles), 549; Adj. Debate, 642, 756, 839, 965, 1089, 1190, 1264, 1394; (84) 15, 121, 249, [A. 337, N. 240, M. 97] 349; Amend. (Hon. C. Villiers), 421; Adj. (Mr. Borthwick), [A. 70, N. 227, M. 157] 467; Adj. Debate, 527, [*o. q.* A. 265, N. 78, M. 187] 575; Amend. (Hon. W. O. Stanley), 717; Amend. neg. 726; Amend. (Mr. M. Milnes), 727; Motion withdrawn, 744; Question (Sir R. H. Inglis), 784; Report, 785; Amend. (Mr. R. Spooner), 1010; Amend. withdrawn, 1023, 1056, 1126, 1284—See *Corn Importation Bill*

Customs Duties Bill,
c. 1R.* (84) 1419; 2R. (85) 136; Com. Amend. (Lord G. Bentinck), (86) 819; Amend. withdrawn, 856; 3R.* 874; *l.* 1R. 862; 2R. (87) 9; Com. That Counsel be heard at the Bar (Duke of Richmond), 775, [Contents 74, Not-Contents 78, M. 4] 782; *cl.* 2, 806, [Contents 54, Not-Contents 52, M. 2] 808; *cl.* 6, *ib.*;—*Butter and Cheese*, Amend. (Earl of Hardwicke), 871, [Contents 33, Not-Contents 50, M. 17] 874;—*Hops*, 874;—*Lace*, 879;—*Stained Paper, &c.*, 883;—*Silk, ib.*, [Contents 75, Not-Contents 50, M. 25] 903; 3R. 959; Bill passed, 961, Royal Assent, 1033

Customs Duties—Rum,
c. Com, (88) 566

Customs Duties (*No.* 2) *Bill*,
c. 1R.* (88) 737; 2R.* 750; Rep.* 875; 3R. 908; *l.* 1R.* 893; 2R.* 925; Rep.* 972; 3R.* 995; Royal Assent, 1060

Czartoryski, Prince—Insurrection in Galicia,
l. Question (Lord Brougham), (87) 1361; Reply (Marquess of Lansdowne), 1377

Dacre, Lord
Anti-Corn-Law League, Proceeding of the, (83) 1147
Burdens on Land, Com. moved for, (83) 929
Game Laws, 2R. (84) 11

Dalhousie, Earl of
Canada, Papers moved for, (87) 2
Corn Importation, 2R. (86) 1290, 1373, 1379, 1383, 1387; Petition, (87) 443; Com. Res. 766; 3R. 951

Dalhousie, Earl—*continued.*
Corn Laws, Returns moved for, (86) 537
Customs Duties, 1R. (86) 869, 870; 2R. (87) 9, 19; Com. 766, 793, 794, 799, 800; *cl.* 2, 807, 808; *cl.* 6, *ib.*;—Butter and Cheese, 872, 874;—Hops, 876, 877;—Lace, 879, 881;—Stained Paper, 883;—Silk, 886; 3R. 960, 961
Railway Companies Dissolution, 1R. (85) 867, 889; 2R. 1149, 1150; Com. 1334, 1336, 1337, 1342; Rep. (86) 2, 6
Railway Legislation, Com. moved for, (85) 281, 287; Resolutions, 652, 667, 668, 786, 1050, 1067, 1070; Returns moved for, 1146; (87) 34
Railways, (83) 236; Com. moved for, 353; Standing Orders, *add. res.* 509, 832; Report of Select Com. 742
Railways—Gauge Commission, (84) 7;—Broad and Narrow Gauge, Res. (87) 1223
Smith, Mr. J. T., Case of, (85) 580

Dalmeny, Lord, *Inverkeithing, &c.*
Central Railway (Scotland), 2R. (85) 68

Damer, Right Hon. Colonel, G. L. D., *Portarlington*
Queen, Accouchment of the, Answer to Address, (87) 1032

Danish Claims,
c. Com. moved for (Mr. Hawes), (85) 1295, [A. 59, N. 41, M. 18] 1323; Com. Amend. (Chancellor of the Exchequer), (87) 196, [*o. q.* A. 58, N. 85, M. 27] 206; Com. put off, 207

Davies, Mr. D. A. S., *Carmarthenshire*
Education in Wales, Address moved, (84) 865

Day, Mr., Dismissal of,
c. Correspondence moved for (Mr. Christie), (85) 794

Death by Accident Compensation Bill,
l. 1R.* (85) 651; 2R. 967; 3R. (86) 173; *c.* 1R.* 809; 2R.* (87) 1161; Com. 1365; Rep.* (88) 282, 463; 3R.* 622; *l.* Commons' Amends. 926; Royal Assent, 1020

Deccan Prize Money,
c. Question (Sir H. W. Barron), (88) 358

Deedes, Mr. H., *Kent, E.*
Commercial Policy—Corn Laws, Com. moved for, (83) 574

Deeds, Registration of (Ireland), Bill,
c. 1R.* (88) 750

D'Eyncourt, Right Hon. C. T., *Lambeth*
Metropolitan Buildings, Leave, (84) 621

Delamere, Lord
Cheshire Agricultural Society, (87) 228, 230, 231, 438, 439, 440

De Lawarr, Earl of
Corn Importation, Com. (87) 301

De Mauley, Lord
Corn Importation, Com. *cl.* 1, (87) 560

Denison, Mr. E. B., *Yorkshire. W. R.*
Address in Answer to the Speech, (83) 64
Commercial Policy—Corn Laws, Com. moved for, (84) 131
County Elections, 2R. (85) 861
Ecclesiastical Commissioners (Ireland), (85) 673
Factories, 2R. (86) 1060
Poor Removal, Com. (87) 1389
Railway Bills, (85) 933
Railway Legislation, (85) 1330
Railway Projects, (85) 603
Railways, Report of Select Com. (83) 524, 525, 752;—Broad and Narrow Gauge, Resolutions, (87) 611
Sugar Duties, (88) 130
Supply—Ecclesiastical Commissioners, (87) 1101

Denison, Mr. J. E., *Malton*
Business of the House, (87) 1164
Ecclesiastical Commission, Officers of the, (86) 963, 964
Poor Removal, Instruction to Committee, (87) 41, 44, 119; Com. 1391
Railways—Broad and Narrow Gauge, Resolutions, (87) 611, 613, 631

Denman, Lord
Arrest, Law of, (88) 645, 648
Deodands Abolition, 3R. (86) 174
Prosecutors, Witnesses, &c. 2R. (84) 769, 778
Religious Opinions Relief, Questions for the Judges, (86) 325
Smith, Mr. J. T., Case of, (85) 579, 589
Sugar Duties, 1R. (88) 510, 544

Dennistoun, Mr. J., *Glasgow*
Factories, 2R. (86) 493

Deodands Abolition Bill,
l. 1R.* (85) 651; 2R. 967; Rep.* 1334; 3R. (86) 173

Deodands Abolition Bill (No. 2),
c. 1R.* (87) 1160; 2R.* (88) 27; Rep.* 282, 463; 3R. 624; That the Bill do pass, Amend. (Hon. J. S. Wortley), 625, [*o. q.* A. 57, N. 6, M. 45] 627; *l.* 1R.* 598; 2R.* 645; 3R.* 695; Royal Assent, 844

De Ros, Lord
Address in Answer to the Speech, (83) 16

Destitute Poor (Ireland) Bill,
c. 1R.* (85) 68; 2R. 383; Bill put off, 412

Devon, Earl of
Drainage (Ireland), Com. (84) 221
Ireland, Condition of, Address moved, (88) 239
Protection of Life (Ireland), Rep. *cl.* 1. (84) 842
Public Works (Ireland), 2R. (83) 534

Dickinson, Mr. F. H., *Somersetshire, W.*
Commercial Policy—Corn Laws, Com. moved for, (83) 983

Dismissed Magistrates (Ireland),
c. Question (Mr. Ross), (88) 203

Disraeli, Mr. B., *Shrewsbury*
Address in Answer to the Speech, (83) 111
Business of the House, (85) 139, 143

DISRAELI, Mr. B.—*continued.*
Carrying Trade with the Spanish Colonies, (88) 810
Cheltenham Petition, The, Instruction, (84) 512
Commercial Policy—Corn Laws, Com. moved for, (83) 1318; Com. (84) 751, 757, 758, 766; Rep. Foreign Books, 811, 812, 814, 819; —Silk Manufactures, 1107
Corn Importation, Com. (86) 80; Rep. 278; 3R. 651, 707
Ferrand, Mr., and his Accusers, (84) 242
Frost, William, and Jones, Address moved, (84) 896
Ireland, State of, (85) 1015, 1020, 1022
Mexico and the United States, (88) 917
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1184
Peel, Sir R., his Explanation, (87) 729, 736
Pollock, Mr. D., Appointment of, (88) 869
Protection of Life (Ireland), 2R. (87) 517
Railway Bills, (85) 951
Sugar Duties, (88) 147

Distress in Ireland,
c. Observations (Sir R. Peel), (85) 693; Question (Mr. D. Browne), 702; (Mr. P. Scrope), (86) 912;—Observations (Earl of Roden), (88) 1017;—*In Mayo,* Observations (Mr. D. Browne), 1016

District Lunatic Asylums (Ireland) Bill,
c. 1R.* (87) 1229; 2R.* 1302; Rep.* (88) 977; 3R.* 1009; *l.* 1R.* 995; 2R.* 1020; 3R.* 1056; Royal Assent, 1060

DIVISIONS, List of
Andover Union, The, Com. moved for, Amend. (Mr. Christie), [A. 92, N. 69, M. 23] (84) 676; Leave to Report Proceedings of Committee (Viscount Courtenay), [A. 16, N. 81, M. 65] (86) 1414
Arms (Ireland) Bill, 2R. Amend. (Mr. Hume), [*o. q.* A. 56, N. 23, M. 33] (88) 594
Bequests for Pious and Charitable Purposes Bill, 2R. [A. 24, N. 60, M. 36] (84) 619
Bridport Election, Amend, (Mr. Henley), [A. 48, N. 90, M. 32] (86) 1419
British Possessions Bill, 3R. [A. 47, N. 8, M. 39] (88) 747
Charitable Trusts Bill, 2R. [A. 42, N. 12, M. 30] (87) 1135
Commercial Policy—Corn Laws—Customs, Com. moved for (Sir R. Peel), [A. 337, N. 240, M. 97] (84) 349;—Butter, Amend. (Mr. Grogan), [*o. q.* A. 213, N. 111, M. 102], 1032;—Cotton, Amend. (Sir H. Halford), [*o. q.* A. 190, N. 102, M. 88] 1041;—Hops, Amend. (Mr. Plumptre), [*o. q.* A. 91, N. 44, M. 47] 1065;—Silk Manufactures, Amend. (Mr. G. Bankes), [*o. q.* A. 220, N. 114, M. 106] 110;—Spirits, Amend. (Mr. Ald. Thompson), [*o. q.* A. 64, N. 35, M. 29] 1134;—Cattle, Amend. (Mr. W. Miles), [*o. q.* A. 111, N. 72, M. 39] 1158;—Hides, Amend. (Mr. Lawson), [*o. q.* A. 130, N. 74, M. 55] 1162;—Timber, Amend. (Marquess of Worcester), [*o. q.* A. 232, N. 109, M. 123] 1340
Corn Importation Bill, 2R. [A. 302, N. 214, M. 88] (85) 265; Com. *r. p.* (Lord G. Bentinck, [A. 85, N 181, M. 96] (86) 89; 3R. Amend. (Marquess of Granby), [*o. q.* A. 327, N. 299, M. 98] 721; 2R. [Contents 211, Not-Contents 164, M. 47] 1405; Com. *cl.* 1, Amend. (Duke of Buckingham), [*o. q.* Contents 130, Not-Contents 103, M. 27] (87) 478
Corn Laws, Total and Immediate Repeal of the (Hon. C. Villiers), Adj. (Mr. Borthwick), [A. 70, N. 227, M. 157] (84) 467; [*o. q.* A. 265, N. 78, M. 187] 575
Corporal Punishment in the Army, Motion (Dr. Bowring), [*o. q.* A. 90, N. 37, M. 53] (88) 461
County Elections Bill, 2R. [A. 32, N. 55, M. 23] (85) 866
Customs Duties, Com. That Counsel be heard at the Bar (Duke of Richmond), [Contents 74, Not-Contents 78, M. 4] (87) 782
Danish Claims, Com. moved for (Mr. Hawes), [A. 59, N. 41, M. 18] (85) 1323; Amend. (Chancellor of the Exchequer), [*o. q.* A. 58, N. 85, M. 27] (87) 206
Deodand Abolition Bill, That the Bill do pass, Amend. (Hon. J. S. Wortley), [*o. q.* A. 51, N. 6, M. 45] (88) 627
Factories Bill, 2R. [A. 193, N. 203, M. 10] (88) 1080
Fees in Courts of Law and Equity, Com. moved for (Mr. Watson), [A. 65, N. 80, M. 15] (86) 216
Friendly Societies Bill, Rep. *cl.* 3, Amend. (Mr. T. S. Duncombe), [A. 7, N. 93, M. 86] (85) 859
Frost, Williams, and Jones, Address moved (Mr. T. S. Duncombe), [A. 31, N. 196, M. 165] (84) 921
Gauge of Railways Bill, 3R. *add. cl.* (Mr. Muntz), [A. 15, N. 46, M. 31] (88) 643
Hardinge, Viscount, and Lord Gough's Annuities, Amend. Rep. (Duke of Richmond), [Contents 18, Not-Contents 47, M. 29] (87) 1160
Ireland, State of, Address moved (Earl Grey), [Contents 17, Not-Contents 61, M. 44] (84) 1416
Joint Stock Banks (Scotland and Ireland) Bill, Com. *cl.* 1, [A. 53, N. 13, M. 40] (88) 223
Lace Factories Bill, 2R. [A. 66, N. 151, M. 85] (86) 950
Malta, Carnival at, Motion (Mr. Hume), [*o. q.* A. 50, N. 12, M. 38] (88) 330
Milbank Prison, Com. moved for, (Mr. T. S. Duncombe), [*o. q.* A. 56, N. 10, M. 46] (87) 1440
Navy Civil Department Bill, 2R. [A. 11, N. 107, M. 96] 628
O'Brien, Mr. W. S.—Refusal to serve on a Committee, Amend. (Mr. Warburton), [*o. q.* A. 139, N. 15, M. 124] (85) 1191; Motion (Mr. O'Connell), [A. 36, N. 180, M. 144] (86) 997
Orders of the Day, Amend. (Sir W. Somerville), [*o. q.* A. 147, N. 108, M. 39] (85) 331
Parliamentary Electors and Freemen's Bill, 2R. [A. 53, N. 94, M. 41] (87) 916
Poor Removal Bill, Instruction to Committee (Mr. J. E. Denison), Amend. (Mr. T. S Duncombe), [*o. q.* A. 105, N. 59, M. 46] (87) 98; [*m. q.* A. 92, N. 70, M. 22] 99; Com. Amend. (Mr. Wodehouse), [*o. q.* A. 112, N. 36, M. 76] 1394; 3R. *add. cl.* (Mr. G. Bankes), [A. 15, N. 62, M. 47] (88) 214; That the Bill do pass, [A. 56, N. 9, M. 47] 216
Post Office, Com. moved for (Mr. T. S. Duncombe), [A. 49, N. 92, M. 43] (85) 839
Protection of Life (Ireland) Bill, Com. *cl.* 16, Amend. (Earl Grey), [Contents 7, Not-Contents 38, M. 31] (84) 716; 1R. Adj. (Mr. D.

Divisions, List of—*continued.*
Browne), [A. 32, N. 98, M. 66] (85) 364; Amend. Adj. (Mr. J. O'Brien), [A. 74, N. 120, M. 46] 649; Amend. Adj. (Mr. J. O'Connell), [A, 20, N. 77, M. 57] 783; Main Question, [A. 274, N. 125, M. 149] 1406; 2R. Amend. (Sir W. Somerville), [*o. q.* A. 219, N. 292, M. 73] (87) 1027
Public Works (Ireland) Bill, Rep. *cl.* 5; Amend. (Sir R. Ferguson), [*o. q.* A. 97, N, 3, M. 94] (83) 434
Railway Bills (Ireland), Resolutions (Mr. W. S. O'Brien), [A. 25, N. 69, M. 44] (85) 851
Religious Opinions Relief Bill, 2R. [A. 79, N. 10, M. 69] (88) 365; Com. *cl.* 3. Amend. (Mr. B. Escott), [A. 10, N. 53, M. 43] (88) 633
Roman Catholic Relief Bill, 2R. Amend. (Sir R. H. Inglis), [*o. q.* A. 66, N. 23, M. 43] (84) 973; Com Amend. (Mr. Colquhoun), [*o. q.* A. 110, N. 67, M. 43] (86) 160; (Sir R. H. Inglis), [A. 120, N. 80. M. 40] (87) 935
Scott, William, Petition of—The Factory Act, Com. moved for (Mr. T. S. Duncombe), [A. 38, N. 63, M. 25] (85) 479
Small Debts Bill, Com. *cl.* 9, Amend. (Mr. Wakley), [A. 16, N. 53, M. 37] (88) 924; (Col. Wood), [A. 12, N. 57, M. 45] 925
Sugar Duties (No. 2) Bill, Com. *cl.* 1, Amend. (Lord G. Bentinck), [*o. q.* A. 121, N. 38, M. 83] (87) 1407
Sugar Duties (No. 3) Bill, Res. Amend. (Lord G. Bentinck), [*o. q.* A. 265, N. 135, M. 130] (88) 180; 3R. [Contents 28, Not-Contents 10, M. 18] 673
Supply—Buckingham Palace, [A. 55, N. 6, M. 49] (88) 732
Turnpike Roads (Scotland), 2R. [A. 45, N. 13, M. 32] (84) 1343; Com. [A. 30, N. 18, M. 12] (85) 73

Donovan, John,
c. Petition (Sir H. W. Barron), (87) 294; House counted out, *ib.*

Dorsetshire, Representation of,
c. Question (Mr. W. Miles), (83) 453

Douglas, Sir H., *Liverpool*
British Possessions, 3R. (88) 743
Commercial Policy—Corn Laws, Com. moved for, Amend. Adj. (83) 828, 839
Corporal Punishment in the Army, Returns moved for, (88) 688
Sutlej, Campaign on the, Thanks to the Army, (84) 413; (85) 456
Troops in the Colonies, (87) 1231
Warner, Captain, his Invention, Address moved, 1076, 1097

Drainage Acts Amendment (Ireland) Bill,
c. Leave, (83) 223; 1R.* 231; 2R. 428; Com. *cl.* 11, 726; Rep.* 833; 3R. 1165; *l.* 1R.* 1146, 2R.* (84) 110; Com. 220; Rep.* 354; 3R.* 473; Royal Assent, 623

Drainage and Ventilation,
l. Petition (Lord Kinnaird), (87) 937

Drainage of Lands Bill,
c. 1R.* (86) 1421; 2R.* (87) 631; Rep.* (88) 184, 545; 3R.* 677; *l.* 1R.* 645; 2R.* 844; 3R.* 995; Royal Assent, 1060

Drummond, Mr. H. H., *Perthshire*
Central Railway (Scotland), 2R. (85) 72
Turnpike Roads (Scotland), Com. (85) 73

Dublin, Guild of,
c. Question (Mr. O'Connell), (85) 789

Duncan, Viscount, *Bath*
Central Railway (Scotland), 2R, (85) 69
Commercial Policy—Corn Laws, Com. moved for, (83) 1190, 1197
Health of Towns, (85) 1084
Scott, William, Petition of—The Factory Act, Com. moved for, (85) 476

Duncan, Mr. G., *Dundee*
Commercial Policy—Linen, (84) 1165
Factories, 2R. (86) 520
Scott, William, Petition of—The Factory Act, Com. moved for, (85) 472

Duncombe, Mr. T. S., *Finsbury*
Andover Union, The, Com. moved for, (84) 676; Leave to Report Proceedings of Committee, (86) 1412
Arms (Ireland), 2R. (88) 584, 591, 595
Bridport Election, (86) 908, 1416
Business of the House, (85) 1215, 1217; (86) 1422; (87) 1168, 1175, 1183
Cheltenham Petition, The, Instruction, (84) 507
Commercial Duties, (83) 756
Commercial Policy—Corn Laws, Com. moved for, (83) 1227; Rep. (84) 833;—Bronze, 1025; —Cotton, 1040
Constabulary (Ireland), 2R. Amend. (88) 877; 3R. 954
Corn Laws, Total Repeal of the, (84) 565
Corresponding Societies Act Amendment, Leave, (85) 468
Distress (Ireland), (85) 698
Enlistment of Soldiers, Errors in, (84) 1046
Friendly Societies, Leave, (83) 1048; 2R. (84) 104, 108; Com. 931, 934; Rep. *cl.* 1, Amend. (85) 853, 855; *cl.* 3, Amend. 858, 859
Frost, Williams, and Jones, Address moved, (84) 867, 869, 883, 893, 920
Haydock Lodge Asylum—Poor Law Commission, (87) 687, 688
Lace Factories, Leave, (84) 975; 2R. (86) 914, 948
Milbank Prison, Com. moved for, (87) 1432, 1437; (88) 548, 556, 712
Militia, The, (83) 367, 426
Parliamentary Electors and Freemen, 2R. (87) 915
Polish Nuns, The, (84) 683
Poor Removal, Instruction to Committee, 41, 43; Amend. 72, 82, 83, 96, 101, 114, 117, 121, 122; Com. 1067
Post Office, Com. moved for, (85) 807, 819, 820, 821, 824, 826, 837; (86) 615;—Case of Thomas Mitchell, Address moved, (88) 955, 961
Railway Bills, *add. res.* (85) 945, 958
Railways, Report of Select Com., Amend. (83) 752, 753;—Amalgamation of, Com. moved for, (84) 1430
Scott, William, Petition of—The Factory Act, Com. moved for, (85) 470, 479
Standing Orders—Railways, (85)

Duncombe, Mr. T. S., Petition of, l. (85) 146

DUNDAS, Rear Admiral, J. W. D., *Greenwich*
Johnstone, Captain, Case of, (83) 753
Merchant Seamen's Fund, (83) 639
Naval Courts Martial — Flogging Sailors, (87) 1346
Naval Retirements, (83) 183; (88) 843
Navy, Manning the, (88) 874
Supply — Navy Estimates. (87) 1459;—Retirement of Naval Officers (88) 843

DUNDAS, Mr. D. *see* SOLICITOR GENERAL, The

Dundonald, Earl of, Case of,
l. Petition (Lord Brougham), (88) 275; Question, 700

Duty, Recent Reduction of,
c. Question (Lord G. Bentinck), (84) 1053

EASTHOPE, Sir J., *Leicester*
Corn Importation, 3R. (86) 353
Railway Bills, Question, (86) 538
Railways, (85) 670

EBRINGTON, Viscount, *Plymouth*
Bequests for Pious and Charitable Purposes, 2R. (84) 615
Central Railway (Scotland), 2R. (85) 70
Cheltenham Petition, The, Instruction, (84) 526
Commercial Policy—Corn Laws, Com. moved for, (83) 642
Corn Importation, 2R. (85) 35
Fever (Ireland), Com. (84) 1212
Private Bills, Com. moved for, (85) 672
Railway Legislation, (85) 1328
Railways, Com. moved for, (84) 1256, 1427, 1428
Real Property Commission, Address moved, (86) 968
Sutlej, Campaign on the, Thanks to the Army, (84) 417, 418

Ecclesiastical Commission, Officers of the,
c. Observations (Sir J. Graham), (86) 962

Ecclesiastical Commissioners—Supply,
c. (87) 1101

Ecclesiastical Commissioners (Ireland),
c. Question (Mr. E. Denison), (85) 663

Ecclesiastical Patronage Bill,
l. 1R.* (88) 224; 2R.* 331; Rep.* 349; 3R.* 371; *c.* 1R.* 750; 2R.* 908; Rep.* 928; 3R.* 953; Royal Assent, 1020

Ecclesiastical Peculiars,
c. Question (Mr. Newdegate), (88) 708

Eclair, Case of the,
c. Question (Dr. Bowring), (83) 544

Education in Wales,
c. Address moved (Mr. W. Williams), (84) 845; Motion withdrawn, 867; *l.* Petition (Bishop of St. David's), (86) 859

Education, National and Agricultural (Ireland),
c. Question (Mr. Wyse), (84) 1275;—Supply, (87) 1258

Education—Supply, c. (87) 1257

Education of the People,
c. Res. (Mr. Ewart), (87) 1232

EGERTON, Right Hon. Lord F. L., *Lancashire, S.*
Address in Answer to the Speech, (83) 51; Report, 134
Frost, Williams, and Jones, Address moved, (84) 919
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 15
Protection of Life (Ireland), 2R. (87) 658

EGERTON, Mr. W. T., *Cheshire, N.*
Charitable Trusts, 2R. (87) 1128, 1134
Poor Removal, Com. (87) 1219

EGLINTOUN, Earl of
Corn Importation, 2R. (86) 1355
Joint Stock Banks (Scotland and Ireland), 1R. (88) 337
Railway Companies Dissolution, 1R. (85) 884
Railway Legislation, Com. moved for, (85) 283

Ejected Tenants (Ireland) Bill,
c. 1R.* (85) 1070

Ejectment of Tenantry (Ireland),
l. Returns moved for (Marquess of Londonderry), (85) 273; *c.* Address moved (Mr. W. S. O'Brien), 485; Motion withdrawn, 489; *l.* Observation (Earl of Clancarty), 491; *c.* (Major Beresford), 1071

Ejectments, &c., (Ireland) Bill,
c. Leave, (87) 279; 1R.* 374; 2R.* 1160; Rep.* 1302; Com. *cl.* 15; (88) 643; Rep. 677; 3R.* 845; *l.* 1R.* 893; 2R.* 948; Rep.* 972; 3R.* 1020; Royal Assent, 1060

ELDON, Earl of
Charitable Trusts, (85) 149, 150, 151, 158; 2R. (86) 790
St. Asaph and Bangor and Manchester Dioceses, 2R. (87) 1293

Election Notices (Ireland) Bill,
c. 1R.* (84) 14; 2R.* 578; Rep.* (86) 175; 3R.* 219; *l.* 1R.* 536; 2R.* 728; Rep.* 859; 3R.* (87) 1065; Royal Assent, 1136

Elections, County, Bill,
c. 1R.* (84) 1220; 2R. (85) 860, [A. 32, N. 55, M. 23] 866

Elections, Interference of Peers at,
c. Com. moved for (Mr. J. Collett), (83) 1167; Motion withdrawn, 1188

Elective Franchise (Ireland),
c. Question (Mr. O'Connell), (83) 1391

Electric Telegraphs,
c. Question (Mr. James), (83) 527

ELLENBOROUGH, Earl of
British Possessions, 2R. (88) 905, 907
Constabulary (Ireland), 2R. (88) 976
Contagious Diseases, Com. (88) 927, 928
Corn Importation, Com. Res. (87) 773; 3R. 959

ELLENBOROUGH, Earl of—*continued.*
Customs Duties, Com. (87) 779
Bellerophon and Calcutta, The, (85) 75
Bellerophon and Rodney, The, (84) 1120
Episcopal Bench, The, (87) 668
Pollock, Mr. D., Appointment of, (88) 974
Poor Removal, 2R. (88) 353
Railway and Steam Packet Stations (Ireland), (85) 367
Railway Commissioners, 3R. (88) 1057
Small Debts, Petition, (88) 1056
Sutlej, Campaign on the, Thanks to the Army, (84) 377

ELLICE, Right Hon. E., *Coventry*
Cheltenham Petition, The, Instruction, (84) 521
Commercial Policy — Silk Manufactures, (84) 1092
Protection of Life (Ireland), 1R. (85) 651, 782
Railway Projects, (85) 607
Railways—Broad and Narrow Gauge, Resolutions, (87) 606
Silk Duties, (83) 493

ELLIS, Mr. W., *Leicester*
Cheltenham Petition, The, Instruction, (84) 514
Commercial Policy—Corn Laws, Com. (84) 767; —Cotton, 1039; — Silk Manufactures, (84) 1078, 1079
Railroad Petitions, (83) 835

ELPHINSTONE, Sir H., *Lewes*
Churches, 2R. (87) 761
County Elections, 2R. (85) 860

Enclosure Acts,
c. Question (Lord Worsley), (86) 675; (Viscount Clive), (87) 1230; — see *Inclosure of Commons*

Enlistments, Limited,
c. Question (Captain Layard), (87) 122; Address moved, (88) 288; Motion withdrawn, 318

Enlistment of Soldiers, Error in,
c. Question (Mr. T. S. Duncombe), (84) 1046

Entailed Lands (Ireland),
c. Question (Mr. A. B. Cochrane), (83) 424

ENTWISLE, Mr. W., *Lancashire, S.*
Private Bills—Petitions, (83) 961
Railways—Petitions, (83) 835; — Amalgamation of, (84) 1258, 1423
Tea, Duty on, Correspondence moved for, (85) 966

Episcopal Bench, The,
l. Petition (Earl Fitzwilliam), (87) 666

Episcopal Revenues Bill,
c. Leave, (88) 197; 1R.* *ib.;* Bill withdrawn, 346

ESCOTT, Mr. B., *Winchester*
Arms (Ireland), 2R. (88) 580, 593
Art Unions, Recom, (88) 196
Bridport Election, (86) 903
British Possessions, 3R. (88) 746
Business of the House, (87) 1188
Charitable Trusts, 2R. (87) 1129; Com. (88) 185

ESCOTT, Mr. B.—*continued.*
Commercial Policy—Corn Laws, Com. moved for, (83) 318; (84) 262; Rep. 799; — Cattle, 1139
Constabulary (Ireland), 3R. (88) 954
Corn Importation, 2R. (85) 195, 197
Corn Laws, Total Repeal of the, (84) 443
Corporal Punishment in the Army, Returns moved for, (88) 685, 694
County Elections, 2R. (85) 863, 865
Factories, Leave, (83) 402
Fees in Courts of Law and Equity, Com. moved for, (86) 208; (87) 1383
Ferrand, Mr., and his Accusers, (84) 246
Foreign Grain in Bond, Returns moved for, (83) 738, 742
Ireland, Measures of Relief for, (88) 794, 798
Malta, Carnival at, (88) 326
Milbank Prison, Com. moved for, (87) 1439
Parliamentary Electors and Freemen, 2R. (87) 913
Peel, Sir R., his Explanation, (87) 723, 745
Poor Removal, Com. (87) 1216; 3R. (88) 214
Post Office, Com. moved for, (85) 837
Private Bills—Petitions, (83) 962
Protection of Life (Ireland), 2R. (87) 167, 494, 495
Railway Commissioners, Com. (88) 932
Reily, Case of, (85) 481
Religious Opinions Relief, 2R. (88) 364; Com. 630; *cl.* 3, Amend. 632, 633, 634, 638
Roman Catholic Relief, 2R. (84) 935, 935, 941, 972; Com. (86) 160; (87) 927, 931
Smith, Mr. J. T., Case of, Com. moved for, (86) 553
Sugar Duties, Rep. (87) 904

ESSEX, Earl of
Burdens on Land, Com. moved for, (83) 938
Corn Importation, 2R. (86) 1351; Com. (87) 248

Estates, Encumbered, Sale of (Ireland), Bill,
c. 1R.* (88) 750

ESTCOURT, Mr. T. G. B., *Oxford University*
Charitable Trusts, 2R. (87) 1131
Committees, Attendance on, (85) 1211
Education of the People, (87) 1256
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1071, 1153, 1192, 1195, 1290, (86) 985
Railway Commissioners, Com. (88) 931
Religious Opinions Relief, 2R. (88) 364; Com. 632, 637
Roman Catholic Relief, 2R. (84) 968; Com. (86) 159; (87) 929

Estimates, The
c. Remarks (Mr. W. Williams), (87) 1097

ETWALL, Mr. R., *Andover*
Andover Union, The, Com. moved for, (84) 625; Leave to Report Proceedings of Committee, (86) 1412
Paupers, Employment of, (83) 457

EVANS, Sir De Lacy, *Westminster*
Army, Claims of the, Com. moved for, (88) 879, 890
Bridport Election, (86) 1416

EVANS, Sir De L.—*continued.*
Charitable Trusts, 2R. (87) 1130
Enlistment in the Army, Address moved, (88) 306
Estimates, The, (87) 1101
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 28, 30
Malta, Carnival at, (88) 326
Parliamentary Electors and Freemen, 2R. (87) 909, 912
Sale, Lady, Provision for, (88) 751
Supply—Poor Law Commissioners, (88) 1106
Sutlej, Campaign on the, Thanks to the Army, Amend. (84) 420, 421; (85) 453, 464
Troops in the Colonies, (87) 1231
Westminster Improvements, (88) 341, 342

Evidence before Committees,
c. Question (Mr. J. Collett), (88) 282

EWART, Mr. W., *Dumfries*
Appeal in Criminal Cases, (83) 642
Art Unions, Recom. (88) 195
Building Societies, (85) 692
Commercial Policy, Rep. Foreign Books, (83) 807, 818, 819;—Spirits, 1131
Education of the People, Res. (87) 1232, 1257
Lichfield Free Grammar School, Papers moved for, (85) 380
Malta, Carnival at, (88) 325
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1177
Railway Labourers, Com. moved for, (85) 1324
Sugar Duties, (87) 1332
Supply—School of Design, (87) 1262;—British Museum, 1444
Van Diemen's Land—Transportation, (86) 1288; (87) 1347
Wellington, Duke of, Statue to the, (87) 1415

Exchequer Bills (18,380,200*l.*) *Bill,*
c. 1R.* (85) 891; 2R.* 976; Rep.* 1152; 3R.* 1210; *l.* 1R.* 1250; 2R.* 1334; Rep.* 1; 86; 3R.* 94; Royal Assent, 536

EXCHEQUER, CHANCELLOR OF THE, *see* CHANCELLOR OF THE EXCHEQUER

Exchequer, Court of, (Ireland) Bill,
c. 1R.* (88) 707; 2R.* 750; Rep.* 908; 3R.* 928; *l.* 1R.* 948; 2R.* 972

Exclusive Privilege of Trading Abolition (Ireland) Bill,
c. 1R.* (87) 964; 2R.* 1161; Rep.* 1302, 1404; 3R.* (88) 463; *l.* 1R.* 467; 2R.* 844; Rep.* 893; 3R.* 925; Royal Assent, 1020

Execution of Bryan Seery at Mullingar,
c. Question (Mr. O'Connell), (83) 1392; *l.* (Marquess of Westmeath), (84) 1, 100; *c.* Explanation (Sir J. Graham), 104

EXETER, Marquess of
Corn Importation, Com. (87) 294

EXETER, Bishop of
Corn Importation, Com. (87) 314
Episcopal Bench, The, (89) 667
Religious Opinions Relief, 2R. (86) 1276; Questions for the Judges, (86) 300, 309, 312, 325, 581; Com. Amend. 583, 591, 594
Shore, Rev. Mr., Case of, (87) 870

Exeter, Bishop of—Bishopstown Chapel
l. Remarks (Earl of Radnor), (88) 331

Expenditure, Increased
c. Remarks (Mr W. Williams), (88) 331

Explanations, Ministerial, c. (83) 85; *l.* 165

Explosive Substances Bill,
c. 1R.* (86) 327; 2R. 538; 3R.* 912; *l.* 1R.* 968; 2R.* 1290; 3R.* (87) 762; Royal Assent, 1033

Factories Bill,
c. Leave, (83) 378; 1R.* 417; 2R. (85) 1222; Adj. Debate, (86) 466, 998, [A. 193, N. 203, M. 10] 1080

Factory Act, The—Petition of William Scott,
c. Com. moved for (Mr. T. S. Duncombe), (86) 470, [A. 38, N. 63, M. 25] (85) 479

Factory Schools,
c. Question (Mr. Bright), (83) 544

Famine and Disease in Ireland,
c. Com. moved for (Mr. O'Connell), (83) 1050; Motion withdrawn, 1089; Question (Mr. O'Connell), (84) 780; (Mr. P. Scrope), 979

FARNHAM, Lord
Crime in Ireland, Returns moved for, (83) 748
Protection of Life (Ireland), 2R. (83) 372; Com. *cl.* 13, (84) 695

Farnham, Parish of,
c. Returns moved for (Capt. Pechell), (83) 1145

Fees in Courts of Law and Equity,
c. Com. moved for (Mr. Watson), (86) 176, [A. 65, N. 80, M. 15] 210; Question (Mr. B. Escott), (87) 1383

FELLOWES, Mr. E., *Huntingdonshire,*
Corn Importation, 2R. (85) 100

FERGUSON, Sir R. A., *Londonderry City*
Arms (Ireland), 2R. (88) 583
Clerks of the Crown, &c. (Ireland), Leave, (87) 761
Drainage (Ireland), Leave, (83) 225, 230, 231; 2R. 431
Ejectments (Ireland), Com. *cl.* 15, (88) 643
Ireland, Measures of Relief for, (88) 794
Joint Stock Banks (Scotland and Ireland), Com. *cl.* 1, (88) 221
Landlord and Tenant (Ireland), Leave, (87) 293
Public Works (Ireland), Rep. *cl.* 5, Amend. (83) 432, 433, 434
Supply—Ecclesiastical Commissioners, (87) 1104; —Poor Law Commissioners, 1111

Ferozeshah, Victory at,
l. Thanks to the Army (Earl of Ripon), (84) 354; *c.* (Sir R. Peel), 385; Acknowledgment of Thanks, (87) 1382; *l.* 1403

FERRAND, Mr. W. B., *Knaresborough*
Accusation against, (84) 216, 229, 232, 239, 240
Andover Union, The, Com. moved for, (84) 641, 658, 664
Bingley Union, The, (86) 953, 955, 956, 967, 958

Ferrand, Mr. W. B.—*continued.*
Commercial Policy—Corn Laws, Com. moved for, (83) 872, 909; (84) 67, 216
Corn Laws, Total Repeal of the, (84) 471
Forged Petitions, Com. moved for, (84) 383; Amend. 385; Instruction, 515, 517, 522
Lace Factories, 2R. (86) 944

Ferrand, Mr., his Speech,
c. Observations (Mr. Roebuck), (84) 115, 216; Reply (Mr. Ferrand), 229

Fever (Ireland) Bill,
c. Leave, (84) 980; 1R.* 1010; 2R. 1043; Question (Mr. W. S. O'Brien), 1048; Com. Amend. (Mr. P. Scrope), 1167; Amend. withdrawn, 1214; Rep. 1229; 3R.* *ib.*; *l.* 1R.* 1271; 2R.* 1343; 3R.* *ib.*; Royal Assent, (85) 1; Observations (Earl of Clancarty), 74

Feversham, Lord
Corn Importation, 3R. (87) 947

Fielden, Mr. J., *Oldham*
Andover Union, The, Com. moved for, (84) 672
Factories, Leave, (83) 411; 2R. (85) 1222; (86) 1010, 1048, 1054, 1057
Ferrand, Mr., and his Accusers, (84) 247
Haydock Lodge Lunatic Asylum, Commission moved for, (88) 1050

Finch, Mr. G., *Rutlandshire*
Commercial Policy—Corn Laws, Com. moved for, (84) 167, 746, 752; Rep. 804;—Cattle, 1145
Corn Importation, 3R. (85) 89; Com. *cl.* 1, (86) 137
Corn Laws, Total Repeal of the, (84) 534
Distress (Ireland), (85) 697
Fever (Ireland), Leave, (84) 1010
Poor Removal, 3R. (88) 211
Roman Catholic Relief, 2R. (84) 947; Com. (86) 155

Fisheries, French
c. Papers moved for (Capt. Pechell), (83) 458

Fisheries (Ireland) Bill,
c. 1R.* (87) 1229; 2R.* 1302; Rep.* (88) 37; 3R.* 463; *l.* 1R.* 467; 2R.* 747; 3R.* 948; Royal Assent, 1060

Fishery Piers and Harbours Bill,
c. Leave, (83) 435; 1R.* 439; 2R.* 638; Rep.* 833; 3R.* 960; *l.* 1R. 1043; 2R. (84) 10; Rep.* 110; 3R.* 219; Royal Assent, 623

Fitzgerald, Mr. R. A., *Tipperary*
Commercial Policy—Corn Laws, Com. moved for, (83) 1414; Rep. (84) 801
Distress (Ireland), (85) 699
Fever (Ireland), Leave, (84) 1008; Com. 1212
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1190
Protection of Life (Ireland), 1R. (85) 567, 731, 785
Roman Catholic Relief, Com. (87) 927

Fitzgerald, Dr.,
c. Correspondence moved for (Mr. O'Connell), (85) 1330; Motion neg. 133; Amend. (Sir J. Graham), *ib.*

Fitzhardinge, Earl
Cholera, The Asiatic, (88) 224, 228

Fitzmaurice, Hon. Capt. W. E., *Buckinghamshire*
Commercial Policy—Corn Laws, Com. moved, (83) 619
Protection of Life (Ireland), 1R. (85) 1037; 2R. (87) 653
Quarantine Laws, Address moved, (86) 882

Fitzroy, Hon. H., *Lewes*
Naval Retirements, (85) 673

Fitzwilliam, Earl
Corn Importation, 2R. (86) 1109; Com. *cl.* 1, (87) 564
Corn Laws, Returns moved for, (86) 169; Petition, 415
Customs Duties, Hops, (87) 878;—Lace, 881
Episcopal Bench, The, (87) 666, 668
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 107
Ireland, State of, Address moved, (84) 1405
Railway Companies Dissolution, Com. (85) 1347
Railway Legislation, Res. (85) 1066; Returns moved for, 1142; Res. (87) 32, 39
Railway Travelling on Sundays, (87) 28

Flogging at Hong-Kong,
c. Question (Dr. Bowring), (88) 340

Flogging, Military, at Hounslow,
c. Question (Dr. Bowring), (87) 1302; Reply (Lord J. Russell), (88) 243, 374; Motion (Dr. Bowring), 381, [*o. q.* A. 90, N. 37, M. 53] 461; Res. (Mr. B. Osborne), 462, [*o. q.* A. 81, N. 25, M. 56] 463; *l.* Petition (Earl Fortescue), 598, 695; *c.* Returns moved for (Mr. Escott), 685; Amend. (Hon. F. Maule), 686; Question (Dr. Bowring), 757

Flogging Sailors,
c. Remarks (Mr. W. Williams), (87) 1337

Floyer, Mr. J., *Dorsetshire*
Corn Importation, Rep. (86) 251; 3R. 351
Poor Removal, 3R. *add. cl.* (88) 213

Forbes, Mr. W., *Stirlingshire*
Joint Stock Banks (Scotland and Ireland), Com. (88) 221
Turnpike Roads (Scotland), Com. (85) 73

Foreign Grain in Bond,
c. Returns moved for (Lord G. Bentinck), (83) 736;—*Damage to,* Question (Hon. C. Villiers), (84) 501

Foreigners, Naturalization of,
c. Question (Mr. Hutt), (83) 494

Forged Petitions,
c. Com. moved for (Hon. C. Berkeley), (84) 380, 527; Instruction (Mr. Newdegate), 502; Motion withdrawn, 527

Forms (Assessed Taxes) Bill,
c. 1R.* (88) 344; 2R.* 358; Rep.* 463; 3R.* 545; *l.* 1R.* 598; 2R.* 645; Rep.* 695; 3R.* 747; Royal Assent, 844

Forster, Mr. M., *Berwick-on-Tweed*
Books, Foreign—The Tariff, (84) 810
Maize, Purchase of, (83) 490, 491
Metropolitan Buildings, Leave, (84) 621
Shetland, Distress in, (85) 1216, 1217

Fortescue, Earl of
Flogging in the Army, Petition, (88) 598, 695
Ireland, State of, Address moved, (84) 1391
Small Debts, Com. *cl.* 8, (88) 281

Fox, Colonel, C. R., *Tower Hamlets*
Malta, Carnival at, (88) 326
Naval Courts Martial, (88) 271
Ordnance, Board of, Com. moved for, (88) 560

France—Fisheries,
c. Papers moved for (Captain Pechell), (83) 458

Fraudulent Objections to Voters,
c. Com. moved for (Mr. Newdegate), (84) 928; Amend. (Sir G. Grey), 929

Fremantle, Right Hon. Sir T. F., *Buckingham*
Drainage (Ireland), Leave, (83) 223, 230, 231; 2R. 428, 430
Fishery Piers and Harbours (Ireland), Leave, (83) 435
Public Works (Ireland), Leave, (83) 163; Com. 183, 184, 185; 2R. 332, 333; Com. 420; Rep. 432; *cl.* 5, 433

French, Mr. F., *Roscommon*
Drainage (Ireland), Leave, (83) 227; 2R. 428
Fever (Ireland), Com. (84) 1205
Poor Law (Ireland), (83) 418, 731, 964
Privilege—Interpolated Petition, (83) 488
Provisions for Ireland, (88) 31
Public Works (Ireland), 2R. (83) 336; Rep. 432; *cl.* 5, 433
Railway Bills (Ireland), (85) 844, 846
Railway Legislation, (85) 908
Railways, Com. moved for, (83) 213; Report of Select Committee, 519
Shannon, Navigation of the, (83) 547

Frewen, Mr. C. H., *Sussex, E.*
Commercial Policy — Cotton, (84) 1040;—Hops, 1063
Destitute Poor (Ireland), 2R. (85) 412
Episcopal Revenues, Leave, (88) 197; Bill withdrawn, 346
Railway Bills (Ireland), (85) 850

Friendly Societies Bill,
c. Leave (83) 1048; 1R.* 1049; 2R. (84) 104; Com. 929; Rep.* 935; *cl.* 1, (85) 852; Amend. (Mr. T. S. Duncombe), 853; *cl.* 3, 858; Amend. (Mr. T. S. Duncombe), [A. 7. N. 93, M. 86] 859; Rep.* 976; 3R.* 1350; *l.* 1R.* (86) 167; 2R.* 299; Rep.* 968; 3R.* (87) 103; Royal Assent, 1061

Frost, Williams, and Jones,
c. Address moved (Mr. T. S. Duncombe), (84) 867, [A. 31, N. 196, M. 165] 921

Fuller, Mr. A. E., *Sussex, E.*
Commercial Policy—Hops, (84) 1059
Corn Importation, 2R. (87) 104

Gage, Lord
Corn Importation, 3R. (85) 952

Gallicia, Austrian Authorities in—Polish Insurrection,
l. Question (Lord Beaumont), (85) 574; *c.* (Mr. C. Buller), 958;—*l. Prince Czartoryski,* Question (Lord Brougham), (87) 361; Reply (Marquess of Lansdowne), (87) 1377

Galloway, Earl of
Corn Importation, Explanation, (87) 452
Customs Duties, Com. *cl.* 2, (87) 808;—Lace, 882;—Silk, 884
Hardinge, Viscount, and Lord Gough's Annuities, Com. 31; Rep. (87) 1159, 1160
Railways — Broad and Narrow Gauge, Res. (87) 1229

Galloway and Aryshire Railway,
c. Report, (83) 541

Game Laws Bill,
l. 1R.* (83) 461; 2R. (84) 11

Game Laws—Silvester's Case—Captain Lyons
c. Question (Mr. J. Collett), (86) 329;—*Sir C. Taylor*, 811, 958;—*Evidence before Committee,* Question (Mr. J. Collett), (88) 282, 565, 629

Gardner, Mr. J. D., *Bodmin*
Corn Importation, 2R. (85) 206

Gaskell, Mr. J. M., *Wenlock*
Commercial Policy—Corn Laws, Com. moved for, (83) 817
Corn Importation, 3R. (86) 340

Gauge Commission,
l. Question (Lord Kinnaird), (84) 5; — *The Broad and Narrow, c.* Resolution, (87) 1 (Sir G. Clerk), 595; Res. 2, Amend. (Sir R. Peel), 613; Res. 3, 614; Adj. Debate, 631; Res. 4, 632, [A. 67, N. 14, M. 53] 634; Res. 5, *ib.*; *l.* Res. (Earl of Dalhousie), 1223

Gauge of Railways Bill,
l. 1R.* (87) 1400; 2R. (88) 105; Com. 201; 3R.* 224; *c.* 1R.* 282: 2R.* 343; Com. 368; 3R. *add. cl.* (Mr. Muntz), 638, [A. 15, N. 46, M. 31] 643; *l.* Royal Assent, 844

German Customs Tariff,
c. Question (Mr. Wodehouse), (86) 952

Gibson, Right Hon. T. M., *Manchester*
Carrying Trade with the Spanish Colonies, (88) 805
Commercial Duties, (83) 755
Commercial Policy—Corn Laws, Com. moved for, (83) 972
Committees, Attendance on, (85) 1213
Corn Laws, Total Repeal of the, (84) 439
Cunard's Line—Communication with the United States, Papers moved for, (87) 482
Danish Claims, Com. moved for, (85) 1319
Gauge of Railways, Com. (88) 369; 3R. *add. cl.* 639
Lands and Companies Clauses Consolidation, 2R. (87) 1364

Gibson, Right Hon. T. M.—*continued.*
Mexican Government, Conduct of the, Address moved, (84) 925, 928
Polish Nuns, The, (84) 683
Privilege—Interpolated Petition, (83) 460
Protection of Life (Ireland), (85) 76, 77
Quarantine Regulations, (88) 359
Railway Bills, (85) 943
Railways—Broad and Narrow Gauge, Resolutions, (87) 609
Shetland, Distress in, (85) 1219
Slave Trade, Brazil, (83) 492
Sugar Duties, (87) 815

Gisborne, Mr. T., *Nottingham*
American Mail Steam Packets, Com. moved for, (87) 1428
Bridport Election, (86) 894
Commercial Policy—Corn Laws, Com. moved for, (83) 322; Rep. Foreign Books, (84) 818; —Cotton, 1036
Committees, Attendance on, (86) 464
Lace Factories, 2R. (86) 936, 937
Private Bills—Petitions, (83) 962
Privilege—Interpolated Petition, (83) 460, 486
Railway Bills, (85) 940
Railway Companies Dissolution, Com. *cl.* 11, (86) 911
Railways, Com. moved for, (88) 193;—Resolutions, 329, 332;—Deposits, 375;—Report of Select Com. 753;—Petitions, 835

Gladstone, Captain J. N., *Ipswich*
Commercial Policy—Corn Laws, Com. moved for, (84) 271

Glenelg, Lord
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 104

Glengall, Earl of
Customs Duties, Com. (87) 783, 784

Gore, Mr. M., *Barnstaple*
British Possessions, 3R. (88) 745
Carrying Trade with the Spanish Colonies, (88) 807
Commercial Policy—Corn Laws, Com. moved for, (88) 1404
Corn Importation, 3R. (86) 639
Corporal Punishment in the Army, Returns moved for, (88) 694
Cracow, Occupation of, Address moved, (88) 834
Enlistment in the Army, Address moved, (88) 317
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 25
Ireland, Measures of Relief for, (88) 798
Protection of Life (Ireland), 1R. (85) 764

Gore, Mr. W. O., *Shropshire, N.*
Business of the House, (85) 140
Corn Importation, Com. *cl.* 1, (86) 139
Railways—Broad and Narrow Gauge, Resolutions, (87) 633

Goring, Mr. C., *Shoreham, New*
Commercial Policy—Corn Laws, Com. (84) 766
Corn Laws, Total Repeal of the, (84) 446

Gough, Lord, Pension to,
l. Message from the Queen, (85) 1149; *c.* 1152; *c.* Address, (86) 9, 35; *l.* 94

Gough's, Lord, Annuity Bill,
c. 1R.* (86) 141; 2R.* 219; Rep.* 871; 3R.* 912

Gough's, Lord, Annuity (No. 2) Bill,
c. Leave, (86) 613; 1R.* 615; 2R.* 871; 3R.* 912; *l.* 1R.* 968; 2R.* (87) 1; Com. 29; *cl.* 3, Amend. (Duke of Richmond), 32; Observations (Earl of Ripon), 539; Amend. Rep. 1138, [Contents 18, Not-Contents 47, M. 29] 1160; 3R. 1221; Royal Assent, (88) 1

Goulburn, Right Hon. H., *Cambridge University*
American Mail Steam Packets, Com. moved for, (87) 1420, 1427
Arms (Ireland), 2R. (88) 593
Art Unions, Recom. Amend. (88) 187
British Possessions, Com. (88) 678
Corn Laws, The New, Error in the, Com. moved for, (88) 736
Corporal Punishment in the Army, (88) 453, 459
Customs Duties—Rum, (88) 572
Joint Stock Banks (Scotland and Ireland), Com. *cl.* 1, (88) 218
New Zealand, Government of, Leave, (88) 737
Pollock, Mr. D., Appointment of, (88) 864
Public Institutions, Admission to, on Sundays, (88) 724
Sugar Duties, (87) 1325; (88) 262
Supply—Buckingham Palace, (88) 732;—Retirement of Naval Officers, 843
(*See also* Chancellor of the Exchequer)

Government Measures,
c. Question (Mr. Newdegate), (85) 159

Government Offices, Vacancies in,
c. Question (Colonel Sibthorp), (84) 225

Grafton, Duke of
Constabulary (Ireland), 2R. (88) 976
Distress in Ireland, (88) 1059
Flogging in the Army, (88) 602
Hardinge, Viscount, and Lord Gough's Annuities, 3R. (87) 1223
Pollock, Mr. D., Appointment of, (88) 952
Poor Removal, 2R. (88) 356; Com. 1008
Railways—Trespass, (87) 1377
Waste Lands (Australia), 2R. (88) 703

Graham, Mr., Petition of, l. (83) 420, 508

Graham, Right Hon. Sir J. R. G., *Dorchester*
Administration of Criminal Justice, Com. (86) 167
Affray in the North, (83) 838
Andover Union, The, Com. moved for, (84) 636, 637; Amend. 641, 655, 656, 671, 673; Leave to Report Proceedings of Committee, (86) 1409, 1411
Appeal in Criminal Cases, (83) 642
Arms Act (Ireland), (84) 1044
Bequests for Pious and Charitable Purposes, 2R. Amend. (84) 583, 616
Birdhill, Tragical Occurrence at, (86) 1287
Brazilian Criminals and Slave Trade, (83) 491
Bridport Election, (86) 891

Graham, Rt. Hon. Sir J.—*continued.*
Business of the House, (85) 143; (86) 1423; (87) 1065, 1067
Channel Islands, The. (86) 176
Charitable Trusts, (83) 454; 2R. (87) 1131
Church of Ireland, (84) 100
Churches, 2R. (87) 761
Colleges, New (Ireland), (85) 789
Commercial Policy—Corn Laws, Com. moved for, (83) 710; (84) 254, 746
Commons Enclosure, Com. (87) 1127
Corn Importation, 2R. (85) 160, 187; 3R. (86) 375, 397, 617, 637
Counsel, Members of the House, acting as, (86) 93
County Elections, 2R. (85) 862
County Works Presentment (Ireland), Com. (83) 912
Crown Solicitors (Ireland), (83) 1261
Day, Mr., Dismissal of, Correspondence moved for, (85) 805, 807
Death by Accident Compensation, Com. (87) 1369, 1374
Destitute Poor (Ireland), 2R. Amend. (85) 396, 400, 406
Distress (Ireland), (85) 696
Ecclesiastical Commissioners, Officers of the, (86) 962
Ecclesiastical Commissioners (Ireland), (85) 674
Education in Wales, Address moved, (84) 860
Education, National and Agricultural (Ireland), (84) 1276
Ejectment of Tenantry (Ireland). (85) 488
Enclosure Acts, (85) 675
Factories, Leave, (83) 394; 2R. (85) 1241; (86) 515
Factory Schools, (83) 545, 546
Famine and Disease in Ireland, Com. moved for, (83) 1068, 1077; (84) 980
Fees in Courts of Law and Equity, Com. moved for. (86) 195, 199
Fever (Ireland), Leave, (84) 980, 985, 986, 992, 1001, 1007, 1048, 1049; Com. 1171, 1175, 1176, 1179, 1180, 1189, 1191, 1196, 1204; Rep. 1229
Fitzgerald, Dr., Correspondence moved for, (85) 1331
Foreigners, Naturalization of, (83) 494
Friendly Societies, 2R. (84) 106, 109; Com. Amend. 929, 933, 934, 935; Rep. *cl.* 1, (85) 853, 854; *cl.* 3, 859
Frost, Williams, and Jones, Address moved, (84) 869, 881, 883, 901
Game Laws—Silvester's Case—Captain Lyons, (86) 329, 811, 813;—Sir C. Taylor, 959; (87) 123
Guilds of Dublin, (85) 789
Haydock Lodge Asylum—Poor Law Commission, (87) 686, 688
Health of Towns, (85) 1084
Highways, Leave, (85) 489; (87) 1065, 1067
Interments in Towns, Leave, (85) 467, 468
Ireland, State of, (85) 993; 1018;—Distress in, (86) 914
Jersey, Administration of the Law in, (83) 1389
Johnstone, Captain, Case of, (83) 753
Juvenile Offenders, (83) 547
Lace Factories, Leave, (84) 975; 2R. (86) 916; Amend. 918
Lichfield Free Grammar School, Papers moved for, (85) 381
Loughborough Petty Sessions, (86) 225
Man, Isle of, (86) 176

Graham, Rt. Hon. Sir J.—*continued.*
Mason, Joseph, Case of, (84) 1274
Metropolitan Buildings, Leave, (84) 620, 622; (86) 982
Militia, The, (83) 368, 369
Orders of the Day, (85) 288, 295, 305
Parliamentary Electors and Freemen, 2R. (87) 913
Paupers, Employment of, (83) 456, 457, 458, 507
Poisoning Case at Happisburgh, (86) 952; (87) 375
Poor Laws—Magisterial Oppression, (86) 810, 1426; (87) 380
Poor Laws (Ireland), (83) 419, 729, 731, 965
Poor Removal, Instruction to Committee, (87) 41, 43, 55, 68, 90, 101, 116, 121, 122; Com. 1069, 1393; *cl.* 1, 1397; 3R. (88) 205, 207
Post Office, The, (87) 40
Private Bills, Com. moved for, (83) 671
Protection of Life (Ireland), (84) 1126; (85) 272; 1R. 333, 373, 375, 609, 616, 710, 741, 742, 1369; 2R. (87) 844, 868, 971
Railway Bills (Ireland), (83) 1258
Railway Labourers, Com. moved for, (85) 1324
Reily, Case of, (85) 481, 482
Request, Courts of, (83) 460, 461
Roman Catholic Relief, Leave, (83) 496, 498, 500; 2R. (84) 950; Com. (86) 148, 153; (87) 919
Ryan, Mr., his Letter, (85) 483
Scott, William, Petition of—The Factory Act, Com. moved for, (85) 478
Seery, Bryan, Execution of, at Mullingar, (83) 1392; Explanation, (84) 104
Settlement, Law of, (83) 1166, 1167; Com. moved for, (85) 82
Sheffield, Outrage at, (85) 1082
Sites for Places of Worship (Scotland), Leave, (86) 873; 2R. Amend. (87) 222, 1037
Smoke Nuisance, The, (85) 1352
Taylor, Sir G., Charges against, (86) 959; (87) 123
Taxation, Local, Returns moved for, (88) 418
Tenant Rights (Ireland), (85) 793
Turnpike Trusts, (83) 451
Supply—Poor Law Commissioners, (87) 1111, 1113, 1115;—Belfast Academy, 1263;—National Gallery, 1264, 1265
Waste Lands (Ireland), Leave, (85) 1207

Granby, Marquess of, *Stamford*,
Commercial Policy—Corn Laws, Com. moved for, (83) 676;—Spirits, (84) 1132
Corn Importation, 3R. Amend. (86) 330
Corn Laws, Total Repeal of the, (84) 467
Protection of Life (Ireland), 2R. (87) 189
Sugar Duties, (88) 119

Grand Jury Cess Bonds (Ireland) Bill, *c.* 1R.* (87) 1229; 2R.* 1302; Rep.* 1404; 3R.* (88) 184; *l.* 1R.* 197; 2R.* 349; Rep.* 598; 3R.* 645; Royal Assent, 844

Granger, Mr. T. C., *Durham City*,
Poor Removal, Instruction to Committee, (87) 69
Railway Bills, (85) 942

Granville, Earl of
Corn Importation, 2R, (86) 1213

Grattan, Mr. H., *Meath*
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 175, 1294
Order of the Day, (85) 312
Protection of Life (Ireland), 1R. (85) 373, 1377; 2R.* (87) 838
Reily, Case of, (85) 481

Great Liverpool Steamer,
c. Question (Sir G. Grey), (84) 1227

Greek Loan, The,
c. Question (Mr. A. B. Cochrane), (83) 1389

Greece, Finances of,
c. Question (Mr. A. B. Cochrane), (85) 674

Greene, Mr. T., *Lancaster*
Ayrshire and Galloway Railway, Report, Amend. (83) 543
Commercial Policy—Corn Laws, Com. (84) 726, 597
Corn Importation—Oats, Com. (86) 136
Private Bills—Petitions, (83) 961
Railways, Report of Select Committee, (83) 352; —Petitions, 834
Resignation of Ministers, (87) 1059
Sugar Duties, Res. (88) 253

Greenwich Out-Pensioners Payment Bill,
c. 1R.* (84) 716; 2R. 973; Rep.* 1044; 3R.* 1121; *l.* 1R.* 1214; 2R. (85) 74; Rep.* 145; 3R.* 272; Royal Assent, 412

Greenwich Out-Pensioners Services Bill,
c. 1R.* (84) 716; 2R.* 929; Rep.* 1121; 3R.* 1167; *l.* 1R.* 1214; 2R.* (85) 74; Rep.* 145; 3R.* 272; Royal Assent, 412

Greenwich, Royal Observatory at,
c. Question (Sir R. H. Inglis), (87) 102, 480

Gregory, Mr. W. H., *Dublin*
Commercial Policy—Corn Laws, Com. moved for. (83) 680
Fishery Piers and Harbours (Ireland), Leave, (83) 438
Polling Places (Ireland), Rep. Amend. (85) 1141

Grey, Earl
Anti-Corn-Law League, Proceedings of the (83) 1150
British Possessions, 2R.* (88) 906
Burdens on Land, Com. moved for, (83) 945, 1044, 1045
Canada, Papers moved for, (87) 8
Convicts in Australia, (86) 870, 871
Corn Importation, 2R. (86) 1291; Com. (87) 359, 444, 544; *cl.* 1, 577; Res. 772
Corn Laws, The, (83) 342; (84) 479; Returns moved for, (86) 169
Crime in Ireland, Returns moved for, (83) 748
Customs Duties, 1R. (86) 866; 2R. (87) 22; Com. 785
Gauge of Railways, 2R. (88) 108; Com. 202
Hardinge, Viscount, and Lord Gough's Annuities, (87) 540, 541
Ireland, State of, Address moved, (84) 1343, 1418
Joint Stock Banks (Scotland and Ireland), 1R. (88) 339

Grey, Earl—*continued.*
London and York Railway, (84) 1273
Parliament, New Houses of, Address moved, (87) 1035
Poor Removal, 2R. (88) 351, 353
Prosecutors, Witnesses, &c., 2R. (84) 773
Protection of Life (Ireland), 2R. (83) 1386; Com. *cl.* 13, (84) 694, 695; *cl.* 16; Amend. 696, 715; Rep. *cl.* 1, 843; *cl.* 16, 845
Railway Companies Dissolution, Com. (85) 1336; Rep. (86) 3
Railways, Com. moved for, (83) 363;—Gauge Commission, (84) 9
St. Asaph and Bangor and Manchester Dioceses, 2R. (87) 1289
Salaries of the Chief Justices, (87) 1117, 1119
Sugar Duties, 1R. (88) 507, 536, 541, 542, 543, 544, 545
Van Diemen's Land—Penal Settlements, (84) 494
Waste Lands (Australia), 2R. (88) 350, 700, 703
Western Australia, 2R. (86) 171
Wokingham Church and Parish, (87) 109

Grey, Right Hon. Sir G., *Devonport*
Andover Union—The Witnesses, (88) 1066
Art Unions, Recom. (88) 195
Bankruptcy and Insolvency, Com. (83) 345
Baths and Washhouses, Leave, (87) 762
Bequests for Pious and Charitable Purposes, 2R. (84) 589
Bridport Election, (85) 1081
Business of the House, (86) 1421
Cemeteries, Public, 2R. (88) 344
Channel Islands, Laws of the, (88) 708
Charitable Trusts, 2R. (87) 1128; Com. 1362; (88) 185, 186
Cheltenham Petition, The, Instruction, (84) 512
Colonial Tariffs, Com. moved for, (83) 641
Committees, Attendance on, (85) 1212; (86) 465
Death by Accident Compensation, Com. (87) 1373
Deodands, Abolition, 3R. (88) 624
Ecclesiastical Peculiars, (88) 710
Enclosure Acts, (87) 1223
Factories, 2R. (86) 521
Fees in Courts of Law and Equity, (87) 1383
Fraudulent Objections to Voters, Com. moved for, Amend. (84) 929
Gauge of Railways, 3R. *add. cl.* (88) 642
Great Liverpool Steamer, (84) 1227
Haydock Lodge Lunatic Asylum, Commission moved for, (88) 1032, 1051, 1055
Highways, (87) 1067
Magistrates, Correspondence of, (88) 204
Milbank Prison, Com. moved for, (87) 1436, 1439; (88) 554, 711, 713, 714
OB'rien, Mr. W. S.—Refusal to serve on a Committee, (85) 1171; (86) 989
Orders of the Day, (85) 310
Parliamentary Electors and Freemen, 2R. (87) 914
Poor Law Commissioners, Res. (88) 1016
Poor Removal, Com. (87) 1198, 1385; *cl.* 1, 1396; 3R. (88) 205, 210; *add. cl.* 213, 216
Printing Papers, Com. moved for, (84) 14
Railway Bills (Ireland), (83) 1259
Railway Legislation, (85) 1329; (88) 245, 846
Railway Termini in the Metropolis, (84) 1224
Railways, Com. moved for, (83) 195; (84) 1261, 1429;—Broad and Narrow Gauge, Resolutions (87) 605; Amend. 632, 634, 636

GREY, Right Hon. Sir G.—*continued.*
St. Asaph and Bangor, Sees of, (88) 286
Small Debts, Com. (88) 913; *cl.* 9, 919, 920; 3R. 1020
Supply—Ecclesiastical Commissioners, (87) 1102
Transportation to Van Diemen's Land, (87) 1349
Wellington, Duke of, Statue to the, (87) 1416

GROGAN, Mr. E., *Dublin City*
Commercial Policy—Corn Laws, Com. moved for, (83) 315;—Butter, Amend. (84) 1027
Polling Places (Ireland), Rep. (85) 1410
Railway Bills (Ireland), (83) 1256

GROSVENOR, Right Hon. Lord R., *Chester*
Roman Catholic Relief, Com. (86) 156
Wellington, Duke of, Equestrian Statue to, (86) 960

Guilds of Dublin,
c. Question (Mr. O'Connell), (85) 789

Gulson, Mr., Case of,
l. Question (Marquess of Londonderry), (83) 1045

HADDINGTON, Earl of
Corn Importation, 2R. (86) 1265, 1266
Customs Duties, 1R. (86) 870
Ireland, Crime in, Returns moved for, (86) 978

HALFORD, Sir H., *Leicestershire, S.*
Commercial Policy—Cotton, Amend. (84) 1035, 1037

HALSEY, Mr. T. P., *Hertfordshire*
Commercial Policy—Corn Laws, Com. moved for, (83) 979
Protection of Life (Ireland), 2R. (87) 831

HAMILTON, Lord C., *Tyrone*
Destitute Poor (Ireland), 2R. (85) 412
Fever (Ireland), Leave, (84) 999
Protection of Life (Ireland), 1R. (85) 362; 2R. (87) 978
Railway Bills (Ireland), (85) 849

HAMILTON, Mr. G. A., *Dublin University*
Ejectments (Ireland), Com *cl.* 15, (88) 644
Public Works (Ireland), Rep. *cl.* 5, (83) 434
Supply—Education (Ireland), (87) 1260

HANMER, Sir J., *Kingston-on-Hull*
Bequests for Pious and Charitable Purposes, 2R. (84) 613
Commercial Policy—Timber, (84) 1166
Corn Importation, 2R. (85) 29
Corn Laws, Total Repeal of the, (84) 532
Danish Claims, Com. moved for, (85) 1300
Factories, 2R. (86) 1044
Fees in Courts of Law and Equity, Com. moved for, (86) 212
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 29
Peel, Sir R., his Explanation, (87) 725

Happisburgh, Poisoning Case at,
c. Question (Mr. Wakley), (86) 952; (87) 375

Harbours and Piers, Fishery, (Ireland) Bill,
c. Leave, (83) 435; 1R.* 439; 2R.* 638; Rep * 833; 3R.* 960; *l.* 1R.* 1043; 2R. (84) 10; Rep.* 110; 3R.* 219; Royal Assent, 623

Hardinge, Viscount, Pension to,
l. Message from the Queen, (85) 1149; *c.* 1152; Address, (86) 9; *l.* 94

Hardinge's Viscount, Annuity Bill,
c. 1R.* (86) 141; 2R.* 219; Com. 856; Rep.* 871; 3R.* 912; *l.* 1R.* 968; 2R.* (87) 1; Com. 29; *cl.* 3, Amend. (Duke of Richmond), 31, [*o. q.* Contents 26, Not-Contents 38, M. 12] 32; Observations (Earl of Ripon), 539; Amend. Rep. 1138, [Contents 18, Not-Contents 47, M. 29] 1160; 3R. 1221; Royal Assent, (88) 1

Hardinge's Viscount, Annuity Bill (No. 2),
c. Leave, (86) 613; 1R.* 615; 2R.* 871; 3R.* 912; *l.* 1R.* 968; 2R.* (87) 1; Com. 29; *cl.* 3, Amend. (Duke of Richmond), 31, [Contents 26, Not-Contents 38, M. 12] 32; 3R.* 103; Observations (Earl of Ripon), 539; Royal Assent, 631

HARDWICKE, Earl of
Address in Answer to the Speech, (83) 26
Bellerophon and Calcutta, The, (85) 75
Corn Importation, 2R. (86) 1277, 1283, 1284; Explanation, (87) 450; *cl.* 1, 470
Corn Laws, The, Petition, (84) 473, 476; (86) 415
Customs Duties—Butter and Cheese, Amend. (87) 871

HARRIS, Hon. Capt. E. A. J., *Christchurch*
Commercial Policy—Corn Laws, Com. moved for, (83) 1451; Rep. (84) 800, 833;—Timber, 1296
Jersey, Administration of the Law in, (83) 1389
Poor Removal, 3R. (88) 212
Protection of Life (Ireland), 2R. (87) 1023
Roman Catholic Relief, 2R. (84) 971
Supply—Navy Estimates, (87) 1459

HASTIE, Mr. A., *Paisley*
Corn Importation, 3R. (86) 440
Lands and Companies Clauses Consolidation, 2R. (87) 1364, 1365
Railways—Deposits, (83) 371, 373

HATHERTON, Lord
Game Laws, 2R. (84) 13
Railway Legislation, Com. moved for, (85) 284
Railways — Gauge Commission, (84) 9, 10;—Broad and Narrow Gauge, Res. (87) 1229

HAWES, Mr. B., *Lambeth*
Bequests for Pious and Charitable Purposes, 2R. (84) 614
Colonial Office—Appointment of Mr. Rogers, (88) 366
Colonies, The—Representative Governments in, (88) 716
Commercial Policy—Corn Laws, Rep. Foreign Books, (84) 813;—Silk Manufactures, 1089
Corn Importation, 2R. (86) 11

HAWES, Mr. B.—*continued.*
Counsel, Members of the House acting as, (83) 92, 93
Customs Duties, Com. (86) 847
Danish Claims, Com. moved for, (85) 1295, 1321; Com. (87) 199
Distress (Ireland), (85) 695, 698
Friendly Societies, 2R. (84) 109; Com. 934
Hong-Kong, Flogging at, (88) 341
Landlord and Tenant (Ireland), Leave, (87) 286
Malta, Carnival at, (88) 322, 326
Metropolitan Buildings, Leave, (84) 620; (86) 982
New Zealand, Government of, Leave, (88) 737
Protection of Life (Ireland), 1R. (85) 1097, 1111, 1112; 2R. (87) 427, 655
Railways—Broad and Narrow Gauge, Resolutions, (87) 612, 633
Rating of Tenements, 2R. (87) 631
Requests, Courts of, (83) 461
Smith, Mr. J. T., Case of, Com. moved for, (86) 547
South Australia, (88) 113, 114
Timber Duties, The, (83) 441
Waste Lands (Australia), Com. (88) 962, 970, 971

HAY, Sir A. L., *Elgin, &c.*
Hardinge's, Viscount, Annuity, Com. (86) 856, 859

Haydock Lodge Lunatic Asylum—Poor Law Commission,
c. Question (Hon. W. O. Stanley), (87) 685;—Commission moved for, (Mr. Wakley), (88) 1023; Motion withdrawn, 1056

HAYTER, Mr. W. G., *Wells*
Gauge of Railways, 3R. *add. cl.* (88) 641
Lands and Companies Clauses Consolidation, 2R. (87) 1365
Railways, Com. moved for, (84) 1253;—Broad and Narrow Gauge, Resolutions, (87) 611

Health of Towns,
c. Question (Viscount Duncan), (85) 1084

HEATHCOTE, Sir W., *Hampshire, N.*
Commercial Policy—Corn Laws, Com. moved for, (83) 559
Private Bills, Petition, (83) 962
Railway Bills (Ireland), (83) 1257
Railways—Petitions, (83) 835

HEATHCOTE, Mr. G. J., *Rutlandshire*
Commercial Policy—Corn Laws, Com. moved for, (83) 778
Supply—School of Design, (87) 1263

HENEAGE, Mr. G. H. W., *Devizes*
Supply—Navy Estimates, (87) 1460

HENLEY, Mr. J. W., *Oxfordshire*
Bridport Election, (86) 910; Amend. 1414
British Possessions, Com. (88) 681; 3R. 743
Churches, 2R. (87) 760
Commercial Policy—Timber, (84) 1307
Corn Importation, Rep. (86) 268, 283, 285, 288
Corn Laws, The New, Error in, (88) 466
Customs Duties, Com. (86) 854

HENLEY, Mr. J. W.—*continued.*
Death by Accident Compensation, Com. (87) 1374
Deodands Abolition, That the Bill do pass, (88) 627
Friendly Societies, 2R. (84) 107
Gauge of Railways, 3R. *add. cl.* (88) 642
Hardinge's, Viscount, Annuity, Com. (86) 856
Ireland, Measures of Relief for, (88) 791
Joint Stock Banks (Scotland and Ireland), Com. *cl.* 1, (88) 220
Metropolitan Buildings, Leave, (84) 622
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1152; Liberation of, (86) 1199
Parliamentary Electors and Freemen, 2R. (87) 915
Pollock, Mr. D., Appointment of, (88) 865
Poor Removal, Instruction to Committee, (87) 43, 66, 101; Com. 1213, 1393; *cl.* 1, 1396, 1400; 3R. *add. cl.* (88) 214
Protection of Life (Ireland), 2R. (87) 645
Railway Commissioners, Com. (88) 929
Religious Opinions Relief, 2R. (88) 364; Com. 632
Small Debts, Com. (88) 919; *cl.* 9, 921
Sugar Duties, (87) 1335
Supply—Poor Law Commissioners, (87) 1110, 1114

HERBERT, Right Hon. S., *Wiltshire, S.*
Commercial Policy—Corn Laws, Com. moved for, (83) 312, 621
Corn Importation, Rep. (86) 281
Enlistment of Soldiers, Error in, (84) 1047
Enlistments, Limited, (87) 123
Fever (Ireland), Com. (84) 1198
Militia, The, (83) 426
Mutiny, Com., *add. cl.* (84) 1267, 1268
Orders of the Day, (85) 312
Out-Pensioners, Payment, 2R. (84) 973, 974
Protection of Life (Ireland), 1R. (86) 636, 557; 2R. (87) 184, 190, 192, 194
Staff Officers (Retiring Pensions), (83) 754

Hides—The Tariff,
c. Amend. (Mr. Lawson), (84) 1160, [*o. q.* A. 130, N. 74, M. 56] 1162

High Constables Bill,
l. 1R.* (83) 234; 2R.* 337; 3R.* (86) 299

Highway Rates,
c. 1R.* (88) 243; 2R.* 282; Rep.* 358; 3R.* 371; *l.* 1R.* 467; 2R.* 598; Rep.* 645; 3R.* 695; Royal Assent, 844

Highways Bill,
c. Leave, (85) 489; 1R.* 491; 2R. put off, (87) 1065

HILDYARD, Mr. T. B. T., *Nottinghamshire, S.*
Nottinghamshire, South, Election, Explanation, (86) 417

HINDE, M. J. H., *Newcastle-on-Tyne*
Ayrshire and Galloway Railway, Report, (83) 541
Canada—Commercial Policy of Government, Address moved, (86) 575
Commercial Policy—Corn Laws, Com. moved for, (83) 828;—Timber, (84) 1286, 1295
Ireland, State of, (85) 1018
Railways, Com. moved for, (83) 205;—Amalgamation of, Com. moved for, (84) 1428

Hindley, Mr. C., *Ashton-under-Lyne*
Factories, 2R. (86) 479
Sunday Trading, 1R. (88) 598
Supply—Education, (87) 1258

Hobhouse, Right Hon. Sir J. C., *Nottingham*
Commercial Policy—Cotton, (84) 1039
Committees, Attendance on, (85) 1213
Cruelty of the Troops in India, (88) 753
Deccan Prize Money, (88) 359
Lace Factories, 2R. (86) 930
Pollock, Mr. D., Appointment of, (88) 854, 858, 868
Scinde, Province of, (87) 1161
Sutlej, Campaign on the, Thanks to the Army, (84) 418; (85) 448

Hodgson, Mr. R., *Berwick-on-Tweed*
Churches, 2R. (87) 760
Metropolitan Buildings, Leave, (84) 621
Railway Bills, (85) 945
Railway Projects, (85) 605
Standing Orders, Resolution, (85) 1210, 1211

Hogg, Sir J. W., *Beverley*
Hardinge, Visct., and Lord Gough, Pensions to, Address, (86) 20, 29, 32; Leave, 613; Com. 857
Pollock, Mr. D., Appointment of, (88) 857, 860
Sugar Duties, Com. (88) 87
Sutlej, Campaign on the, Thanks to the Army, (84) 406

Home, Earl of
Address in Answer to the Speech, (83) 5
Customs Duties, Com. (87) 785

Hong-Kong, Flogging at,
c. Question (Dr. Bowring), (88) 340

Hope, Mr. A. J. B., *Maidstone*
Commercial Policy—Corn Laws, Com. moved for, (83) 592;—Rep. Foreign Books, (84) 813; —Hops, 1062

Hope, Mr. G. W., *Southampton*
Cataraque, The, Correspondence moved for, (83) 1050
Frost, Williams, and Jones, Address moved, (84) 910
South Australia, (88) 114
Sugar Duties, Com. (88) 91
Supply—New Zealand, (87) 1265, 1266, 1267
Transportation to Van Diemen's Land, (87) 1349

Hops—The Tariff,
c. Amend. (Mr. Curteis), (84) 821; (Mr. Plumptre), 1056, [*o. q*, A. 91, N. 44, M. 47] 1065;—*Customs Duties, l.* (87) 874

Horsman, Mr. E., *Cockermouth*
Arms (Ireland), 2R. (88) 582
Business of the House, (87) 1195
Commercial Duties, (83) 756
Education of the People, (87) 1250
Poor Removal, Com. (87) 1393
Potato Disease, The, (83) 1263
Protection of Life (Ireland), 2R. (87) 488
Railway Commissioners, Com. (88) 932
Railway Legislation, (88) 245
Railways, Com. moved for, (84) 1265

Hotham, Lord, *Yorkshire, East Riding*
Sutlej, Campaign on the, Thanks to the Army, (85) 459

House of Commons Offices Bill,
c. 1R.* (88) 463; 2R. 622; Rep.* 629, 737; 3R.* 750; *l.* 1R.* 844; 2R.* 893; Rep.* 925; 3R.* 940; Royal Assent, 1020

Howard, Hon. C. W. G., *Cumberland, E.*
Corn Laws, Total Repeal of the, (84) 532

Howard, Mr. P. H., *Carlisle*
Bequests for Pious and Charitable Purposes, 2R. (84) 587
Church of Ireland, (84) 103
Commercial Policy—Corn Laws, Com. moved for, (83) 314; Com. (84) 744; Rep. 800;—Cattle, 1141
Enlistment in the Army, Address moved, (88) 317
Factories, Leave, (83) 406
Frost, Williams, and Jones, Address moved, (84) 917
Malta, Carnival at, (88) 327
Mexico and the United States, (88) 994
Polish Nuns, The, (84) 683
Railway Commissioners, Com. (88) 932
Roman Catholic Relief, 2R. (84) 972; Com. (86) 156
Parliamentary Electors and Freemen, 2R. (87) 916
Sugar Duties, Res. (88) 270
Sutlej, Campaign on the, Thanks to the Army, (84) 421

Howden, Lord
Corn Importation, Com. (87) 276

Hudson, Mr. G., *Sunderland*
Budget, The, (86) 1469
Business of the House, (85) 139
Commercial Policy—Corn Laws, Com. moved for, (83) 1133, 1193, 1197; (84) 205, 216, 726, 742; Rep. 832
Corn Importation, 3R. (86) 632, 694, 695
Corn Laws, Total Repeal of the, (84) 568
Customs Duties, Com. (86) 855
Lands and Companies Clauses Consolidation, 2R. (87) 1365
Potatoes from Yorkshire, (86) 1429
Railway Bills, (85) 926
Railway Bills (Ireland), (83) 1261
Railway Companies Dissolution, Com. *cl.* 11, (86) 912
Railway Deposits, (83) 373
Railway Labourers, (86) 1471
Railway Legislation, *add. cl.* (85) 1325; (86) 220, 223
Railways, Com. moved for, (83) 199; (84) 1239; —Broad and Narrow Gauge, Resolutions, (87) 635
Van Diemen's Land—Transportation, (86) 1290

Hume, Mr. J., *Montrose*
Address in Answer to the Speech, Report, (83) 142
Aqueducts—Standing Orders, (84) 1220
Arms (Ireland), 2R. Amend. (88) 577, 596
Army, Claims of the, Com. moved for, (88) 886
Books and Engravings, Com. (87) 1136

Hume, Mr. J.—*continued*

Bridport Election, Amend. Adj. (86) 911, 1418
British Possessions, Com. (88) 681
Budget, The, (86) 1461
Business of the House (Wednesdays), (83) 233; (85) 1214, 1215; (86) 1423; (87) 1187
Carrying Trade with the Spanish Colonies, (88) 814
Cataraque, The, Papers moved for, (83) 1049
Charitable Trusts. 2R. (87) 1128, 1134; Com. 1363; (88) 184, 186
Churches, 2R. (87) 760
Colonial Tariffs, Copies moved for, (83) 639, 640, 641
Colonies, The, Representative Governments in, (88) 714
Commercial Policy—Corn Laws, Com. moved for, (83) 285, 301; Com. (84) 738; Rep. 795; —Foreign Books, 810, 830;—Silk Manufactures, 1072;—Timber, 1309
Commons Enclosure, Com. (87) 1127
Constabulary (Ireland), Rep. (88) 597, 598; 3R. 954
Corn Laws, Total Repeal of the, (84) 466, 551
Corporal Punishment in the Army, (88) 244, 456, 459, 688
Courts of Law (Scotland), (88) 28
Cracow, Occupation of, Address moved, (88) 815, 838
Customs Duties—Rum, (88) 572; 3R. 908
Danish Claims, Com. moved for, (85) 1314
Ecclesiastical Commission, Officers of the, (86) 963, 966
Education of the People, (87) 1246
Elections, Interference of Peers at, (83) 1187
Enlistment in the Army, Address moved, (88) 311
Estimates, The, (87) 1098
Factories, Leave, (83) 400; 2R. (85) 1234
Fees in Courts of Law and Equity, Com. moved for, (86) 192
Fever (Ireland), Leave, (84) 984, 1049
Forged Petitions, Com. moved for, (84) 381
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 25; Leave, 613; Com. 856
Interments in Towns, Leave, (85) 468
Ireland, Measures of Relief for, (88) 792
Joint Stock Banks (Scotland and Ireland), Com. *cl.* 1, (88) 217
Malta, Carnival at, (88) 318, 330
Manning, Mr.—New South Wales, (87) 904
Marine Mutiny, Com. (84) 1269
Milbank Prison, Com. moved for, (87) 1438
Military Pensions, Res. (88) 564
Mutiny, Com. *add, cl.* (84) 1268
Naval Courts Martial—Flogging Sailors, (87) 1344
Navy, The, (87) 1355
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1176
Ordnance, Board of, Com. moved for, (88) 557, 560
Oregon Question, The, (86) 1424
Parliamentary Electors and Freemen, 2R. (87) 913
Peel, Sir R., his Explanation, (87) 750
Pollock, Mr. D., Appointment of, (88) 862, 865
Poor Law Commissioners, Res. (88) 1009, 1016
Poor Removal, Com. (87) 1384; 3R. (88) 210
Post Office, The—Case of Thomas Mitchell, Address moved, (88) 957
Printing Papers, Com. moved for, (84) 14
Private Bills, Com. moved for, (85) 670; Res. (88) 546

Hume, Mr. J.—*continued,*

Privilege, Breach of, (86) 818
Protection of Life (Ireland), 3R. (87) 973
Provisions for Ireland, (88) 31
Public Institutions, Admission to, on Sundays, (88) 717, 721, 725
Public Works (Ireland), Com. (83) 185, 186; 2R. 333
Quarantine Laws, Address moved, (86) 881
Railway Commissioners, Com. moved for, (88) 929
Railway Labourers, Com. moved for, (85) 1325
Railway Legislation, Res. (88) 846
Railway Termini in the Metropolis, (84) 1226
Railways, Com. moved for, (84) 1259, 1431;—Broad and Narrow Gauge, Resolutions, Amend. (87) 604, 613, 633
Reily, Case of, (86) 481
Resignation of Ministers, (87) 1058
St. Asaph and Bangor, Sees of, (88) 286
Scinde, Province of, (87) 1161
Scott, William, Petition of—The Factory Act, Com. moved for, (86) 479
Sites for Dwellings, Leave, (88) 349
Smith, Mr. W. S.—Refusal to serve on a Committee, (85) 1292
Sugar Duties, (87) 637, 815; Rep. 905; Res. 1334; (88) 123, 266, 270; Rep. 288
Supply—Civil Contingencies, (86) 1206;—Public Departments, 1207;—Houses of Parliament, 1208, 1209;—Ecclesiastical Commissioners, (87) 1103;—Poor Law Commissioners, 1104, 1106, 1110;—Education, 1257; —Education (Ireland), 1259;—School of Design, 1262;—Belfast Academy, 1263;—National Gallery, 1264;—New Zealand, 1265; —Captured Negroes, 1267, 1268;—British Museum, 1440;—Buckingham Palace, Amend. (88) 728, 730, 732;—Retirement of Naval Officers, 840, 842
Sutlej, Campaign on the, Thanks to the Army, (84) 402; (85) 460
Taxation, Local, Returns moved for, (83) 418
Taylor, Sir C., Charges against, (87) 126
Tobacco Duties, (89) 1127; (88) 343
Waste Lands (Australia), Com. (88) 962

Humphery, Alderman J., *Southwark,*
Commercial Policy—Hops, (84) 1061
Customs Duties, Com. (86) 836
Potatoes from Yorkshire, (86) 836, 1428

Hutt, Mr. W., *Gateshead,*
Brazilian Criminals and Slave Trade, (83) 491
Commercial Policy—Corn Laws, Com. moved for, (83) 1449
Corn Laws, Total Repeal of the, (84) 545
Foreigners, Naturalization of, 494
South Australia, (88) 114

Ibrahim Pacha, Visit of,
c. Question (Mr. M. Milnes), (86) 966

Inclosure Acts,
c. Question (Lord Worsley), (85) 675; (Viscount Clive), (87) 1230

Inclosure of Commons Bill,
c. 1R.* (85) 691; 2R.* 702; Rep.* 787; 3R.* 852; *l.* 1R.* 967; 2R.* 1142; Rep. 1334; 3R. (86) 1; Royal Assent, 536

Inclosure of Commons Act Amendment Bill,
l. 1R.* (86) 1290; 2R.* (87) 294; Rep.* 539; 3R.* 666

Inclosure of Commons Act Amendment Bill (No. 2.)
c. 1R.* (87) 964; 2R.* 1040; Com. 1127; Rep.* 1362; 3R.* 1404

Inclosure of Commons Act Amendment Bill (No. 3.)
c. 1R.* (88) 371; 2R.* 545; Rep.* 622; 3R.* 629; *l.* 1R.* 645; 2R.* 844; Rep.* 925; 3R.* 948; Royal Assent, 1020

Income Tax Deductions Bill,
c. 1R.* (88) 677; 2R.* 737; Rep.* 845; 3R.* 875; *l.* 1R. 893; 2R.* 925; Rep.* 948; 3R.* 972; Royal Assent, 1020

Indemnity Bill,
c. 1R.* (84) 1419; 2R.* (85) 2; Rep.* 158; 3R.* 287; *l.* 1R.* 412; 2R. 491; 3R.* 569; Royal Assent, (86) 536

India, War in,
c. Question (Sir R. H. Inglis), (83) 963, 1390; *l.* (Duke of Richmond), (84) 110—*Victories of Moodkee and Ferozeshah,* Thanks to the Army (Earl of Ripon), 354; *c.* (Sir R. Peel), 385; —*l. Victories of Aliwal and Sobraon,* Thanks to the Army (Earl of Ripon), (85) 412; *c.* (Sir R. Peel), 436, 462; *l.* Observation (Marquess of Lansdowne), 570;—*c. Province of Scinde,* Question (Mr. Hume), (87) 1161;—*Acknowledgment of Vote of Thanks for the Campaign on the Sutlej,* 1382; *l.* 1403; —*c. Deccan Prize Money,* Question (Sir H. W. Barron), (88) 358;—*Provision for Lady Sale,* Question (Sir De Lacy Evans), 751;—*Cruelty of the Troops in India,* Question (Mr. Warburton), 752

Infant Schools—Pensions,
l. Returns moved for, (Lord Brougham), (88) 274;—Petition, 699

INGESTRE, Viscount, *Staffordshire, S.*
Cheltenham Petition, The, Instruction, (84) 516
Commercial Policy—Corn Laws, Com. moved for, (83) 301; (84) 26; Rep.—Cotton, 1640
Lichfield Free School, Papers moved for, (85) 1, 375, 378
Naval Courts Martial—Flogging Sailors, (87) 1347
Navy Civil Departments, 2R. (87) 622
Protection of Life (Ireland), 1R. (85) 1404; 2R. (87) 1024
Warner, Captain, his Invention, Address moved, (87) 1071, 1097
Waterford, Marquess of—Alleged Evictions (Ireland), (85) 1074

INGLIS, Sir R. H., *Oxford University,*
Address in Answer to the Speech, Report, (83) 155
Art Unions, Recom. (88) 193
Bequests for Pious and Charitable Purposes, 2R. (84) 593, 597
Bridport Election, (85) 978; (86) 895
Buenos Ayres, (84) 1438
Charitable Trusts, Com. Amend. (88) 185, 187

INGLIS, Sir R. H.—*continued.*
Church of Ireland, (84) 102
Colonial Tariffs, Copies moved for, (83) 641
Commercial Policy—Corn Laws, Com. moved for, (83) 285, 612; (84) 784;—Butter, 1029
Corn Importation, 2R. (84) 1464
Country Elections, 2R. (85) 863
Education of the People, (87) 1244
Estimates, The, (87) 1101
Factories, 2R. (86) 510
Factory Schools, (83) 545
Ferrand, Mr., his Speech, (84) 417
Frost, Williams, and Jones, Address moved, (84) 905
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 24
India, War in, (83) 963, 1390
Lichfield Free School, Amend. Adj. (85) 4, 380
Milbank Prison, Com. moved for, (87) 1439
O'Brien, Mr. W. S., Refusal to serve on a Committee, (85) 1189; (86) 996
Observatory, Royal, at Greenwich, (87) 102, 480
Orders of the Day, (85) 322
Parliament, New Houses of, (83) 388
Poor Removal, Instruction to Committee, (87) 63
Printing Papers, Com. moved for, (84) 14
Privilege, (84) 225
Protection of Life (Ireland), 2R. (87) 486
Quarantine Laws, Address moved, (86) 882
Railway Termini in the Metropolis, (84) 1224
Railways, Com. moved for, (88) 195
Resignation of Ministers, (87) 1058
Roman Catholic Relief, Leave, (83) 497, 499; 2R. Amend. (84) 940; Com. Amend. (87) 917
St. Asaph and Bangor, Sees of, (88) 286
Sessional Orders, (88) 128, 130
Shetland, Distress in, (85) 1221
Sites for Places of Worship (Scotland), Leave, (86) 873; 2R. (87) 227
Sugar Duties, (87) 817, 1336; Com. *cl.* 1, 1406; (88) 77, 248
Supply—Ecclesiastical Commissioners, (87) 1103; —Poor Law Commissioners, 1106;—Education (Ireland), 1259, 1260;—New Zealand, 1266:—British Museum, 1445
Sutlej, Campaign on the, Thanks to the Army, (84) 404; (85) 450, 465
Wellington, Duke of, Statue to the, (87) 1415
Westminster Bridge, (88) 837

Insolvency and Bankruptcy Bill,
c. 1R.* (85) 691; 2R.* (87) 909; Rep.* 964

Insolvency, Law of,
l. Petition (Lord Brougham), (84) 219

Insolvent Debtors Act Amendment Bill,
l. 1R.* (85) 1250; 2R.* (86) 576; Rep.* 859; 3R.* (87) 666; *c.* 1R.* (88) 113

Insolvent Debtors (India) Bill,
l. 1R.* (84) 1271; 2R.* 1343; Rep.* (85) 1; 3R.* 74; *c.* 1R.* 371; 2R.* 590; Rep.* 702; 3R.* 976; *l.* Royal Assent, (86) 536

Interments in Towns Bill,
c. Leave, (85) 467

Ireland, Crime in,
l. Returns moved for (Marquess of Normanby), (86) 970

Ireland, Famine and Disease in,
c. Com. moved for (Mr. O'Connell), (83) 1050; Motion withdrawn, 1089; Question (Mr. O'Connell), (84) 780; (Mr. P. Scrope), 979; (86) 912; *c.* Observations (Mr. O'Connell), 1203

Ireland, Measures of Relief for,
c. Question (Mr. S. Crawford), (86) 1196; (Earl of Lincoln), (87) 1195;—Provisions for, Question (Mr. O'Connell), (88) 29;—Res. (Lord J. Russell), 766

Ireland, State of,
l. State of, Petition (Lord Brougham), (84) 837; Address moved (Earl Grey), 1343, [Contents 17, Not-Contents 61, M. 44] 1416;—*c.* Question (Mr. W. S. O'Brien), (85) 980; Adj. (Mr. M. O'Connell), 1016; Motion withdrawn, 1022; *l.* *Condition of,* Address moved (Lord Monteagle), (88) 229; Motion withdrawn, 243;—*c.* *Legislative Measures for,* Question (Mr. B. Osborne), 464;—See *Adverse Claims—Arms—Baths and Washhouses—Belfast Academy—Birdhill, Tragical Occurrence at—Births Registration of—Carrickmacross—Church—Clerks of the Crown—Colleges—Constabulary—Coroners—County Works Presentment—Crime—Crown Solicitors—Deeds, Registration of—Destitute Poor—Dismissed Magistrates—Distress—District Lunatic Asylums—Drainage—Ecclesiastical Commissioners—Education—Ejectment of Tenantry—Election Notices—Elective Franchise—Estates—Exchequer, Court of—Exclusive Privilege of Trading, Abolition of—Famine—Fever—Fisheries—Fishery Piers and Harbours—Grand Jury Cess Bonds—Guilds of Dublin—Joint Stock Banks—Land lords and Tenants—Leases—Leasehold Tenures—Legal Education—Lieutenancies, County—Mandamus—Ministers' Money—Marriages—Maynooth—Mayo—Polling Places—Poor Law—Poor Relief of—Potato Crop—Prisons—Protection of Life—Public Works—Railways—Rateable Property—Real Property—Reily, Case of—Ryan, Mr.—Seery, Bryan—Shannon Navigation—Spirit Duties—Steam Packet Stations—Taxation of Costs—Tenant Rights—Trial of Offences—Trinity College—Turnpike Roads—Waste Lands*

Iron War Steamers,
c. Question (Mr. Wawn), (88) 684

James, Sir W. C., *Kingston-upon-Hull*
Art Unions, Re-com. (88) 194
Bridport Election, (86) 1416
Peel, Sir R., his Explanation, (87) 720

James, Mr. W., *Cumberland, E.*
Affray in the North, (88) 836
Budget, The, (86) 1472
Commercial Policy—Corn Laws, Com. moved for, (88) 1001
Electric Telegraph, (88) 527
Sugar Duties, (87) 817; (88) 135; Amend. 257

Jersey, Administration of the Law in,
c. Question (Hon. Capt. Harris), (88) 1389

Jervis, Sir J., *Chester*
Andover Union, The, Com. moved for, (84) 671, 675
(*See also* Attorney General, The)

Jocelyn, Viscount, *King's Lynn*
India, War in, (83) 964
Sutlej, Campaign on the, Thanks to the Army, (84) 418

Johnson, General W. A., *Oldham*
Andover Union, The, Com. moved for, (84) 672
Poor Removal, Instruction to Committee, (87) 79

Johnstone, Captain, Case of.
c. Question (Adm. Dundas), (83) 753

Joint Stock Banks (Scotland and Ireland) Bill
c. 1R.* (84) 14; 2R.* 716; Com. *cl.* 1, (88) 217; [A. 53, N. 13, M. 40] 223; Rep.* 243; 3R.* 282; *l.* 1R. 337; 2R.* 349; 3R.* 706; Protest, *ib.*; Royal Assent, 1021

Jolliffe, Sir W. G. H., *Petersfield*
Commercial Policy—Corn Laws, Com. (84) 745
Corn Importation, Rep. (86) 234
Corn Laws, Total Repeal of the, (88) 465
Railway Legislation, (85) 1330
Turnpike Trusts, (83) 450

Jones, Captain T., *Londonderry, Co.*
Fever (Ireland), (84) 1053
Protection of Life (Ireland), 2R. (87) 1024

Judgment Creditors Bill,
l. 1R.* (87) 666; 2R.* 1059; Rep.* 1060; 3R.* 1061; *c.* 1R.* (88) 339

Juvenile Offenders,
c. Question (Hon. H. T. Liddell), (88) 547

Juvenile Offenders Bill,
l. 1R.* (87) 438; 2R.* 1115

Kelly, Sir F., *see* Solicitor General, The

Kelly, Mr. J., *Limerick, City*
Protection of Life (Ireland), 1R. (85) 558

Kemble, Mr. H., *Surrey, E.*
Requests, Courts of, (83) 460

Kinnaird, Lord
Anti-Corn-Law League, Proceedings of the, (83) 1147, 1150
Burdens on Land, Com. moved for, (88) 928
Chelsea Bridge and Thames Embankment, 2R. (87) 1123
Cracow, Independence of, Address moved, (88) 618
Corn Importation, 2R. (86) 1316; Com. *cl.* 1, (87) 466, 471, 472, 476; Res. 771
Corn Laws, (83) 339, 340; (84) 475, 478
Drainage and Ventilation, (87) 937
Gauge of Railways, 2R. (88) 105, 107, 109
Joint Stock Banks (Scotland and Ireland), 1R. (88) 338
Poland, The late Insurrection in, (85) 579
Public Baths and Washhouses, (87) 108
Railway Companies Dissolution, Rep. (86) 6
Railway Legislation, Com. moved for, (86) 279, 665; (87) 36
Railways, Com. moved for, (88) 360;—Returns moved for, 420;—Gauge Commission, (84) 5;—Broad and Narrow Gauge, (87) 1228
Religious Persecution in Russia, (88) 634

KNIGHT, Mr. F. W., *Worcestershire, W.*
Commercial Policy—Hops, (84) 1060;—Leather, 1066;—Spirits, 1133

KNIGHTLEY, Sir C., *Northamptonshire, S.*
Commercial Policy—Cattle, (84) 1156

LABOUCHERE, Right Hon. H., *Taunton*
Arms (Ireland), (88) 373; 2R. 575, 596
Brazil, Trade with, (83) 490, 526
Bridport Election, (86) 909
Commercial Policy — Corn Laws, Rep. (84) 803
Constabulary (Ireland), Payment of the, Leave, (88) 370; Rep. 597; 2R. 876; 3R. 955
Dismissed Magistrates (Ireland), (88) 203
Factories, 2R. (86) 473, 479
Ireland, Measures of Relief for, (87) 1196; (88) 781, 786, 790
Landlord and Tenant (Ireland), (88) 284
Mayo, Distress in, (88) 1018
Potato Crop, Loss of the, (Ireland), (87) 1383
Protection of Life (Ireland), 3R. (87) 865
Railway Bills, (85) 700, 923
Railway Bills (Ireland), (83) 1258
Railway Legislation, (86) 223
Railway Projects, (85) 598
Railway Termini in the Metropolis, (84) 1225, 1226
Railways, Com. moved for, (83) 210; (84) 1245, 1247, 1430;—Broad and Narrow Gauge, Resolutions, (87) 601, 610, 634
Resignation of Ministers, (87) 1059
Roman Catholic Relief, Com. (87) 932
Spain—Discriminating Duties, (86) 1202, 1286
Sugar Duties, Com. *cl.* 1, (87) 1407
Supply—Education (Ireland), (87) 1261;—Belfast Academy, 1263
Trinity College, Dublin, Tenants of, (88) 341

Lace—Customs Duties, l. (87) 879

Lace Factories Bill,
c. Leave, (84) 975; 1R.* 978; 2R. (86) 914, [A. 66, N. 151, M. 85] 950

Land, Burdens on,
l. Com. moved for (Lord Beaumont), (83) 912

Lands and Companies Clauses Consolidation Bill,
c. 1R.* (87) 1127; 2R. 1364; Bill withdrawn, 1365

Landlord and Tenant (Ireland),
c. Question (Mr. Sharman Crawford), (83) 965; (88) 282

Landlord and Tenant (Ireland) Bill,
c. Leave, (87) 279; 1R.* 374; Remarks (Mr. O'Connell), 376

LANGDALE, Lord
Protection of Life (Ireland), Com. *cl.* 16, (84) 713

LANSDOWNE, Marquess of
Address in Answer to the Speech, (83) 28
Art Unions, (86) 970
Baths and Washhouses, (88) 105; 2R. 277
Burdens on Land, Com. moved for, (83) 926
Business of the House, (87) 1062

LANSDOWNE, Marq. of—*continued.*
Cholera, The Asiatic, (88) 224
Constabulary (Ireland), 2R. (88) 975, 976
Contagious Diseases, Com. (88) 926, 927, 928
Corn Importation, 2R. (86) 1337
Cracow, Independence of, Address moved, Amend. (88) 612, 614
Customs Duties, Com. (87) 783
Education in Wales, (86) 861
Gallicia, Insurrection in—Prince Czartoryski, (87) 1361, 1337
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 100; Rep. (87) 1138; 3R. 1221
India, Victories in, (85) 570
Ireland, Condition of, Address moved, (88) 237
Joint Stock Banks (Scotland and Ireland), 1R. (88) 338
Lieutenancies, County (Ireland), Correspondence moved for, (86) 117, 119
Maynooth College, (88) 750
Ministerial Explanations, (83) 172
Oregon Treaty, The, (87) 1221
Parliament, New Houses of, Address moved, (85) 370; (87) 1035
Pensions—Infant Schools, Returns moved for, (88) 275
Pollock, Mr. D., Appointment of, (88) 953
Poor Removal, 2R. (88) 356; Com. 999, 1008
Protection of Life (Ireland), 2R. (83) 1367; Com. (84) 687; *cl.* 13, 695; *cl.* 16, 715, 716
Public Works (Ireland), 2R. (83) 537
Railway and Steam Packet Stations (Ireland), (85) 366
Railway Legislation, (85) 668
Religious Opinions Relief, Com. (87) 1379
St. Asaph and Bangor and Manchester Dioceses, (87) 1060; 2R. Amend. 1274, 1301; That the Bill do pass, 1400
Sites for Places of Worship (Scotland), (87) 1357
Small Debts Bill (88) 228
Sugar Duties, Petition, (88) 22; 1R. 515, 528, 529, 534; 2R. 670
Sutlej, Campaign on the, Thanks to the Army, (84) 367
Van Diemen's Land—Penal Settlements, (84) 480, 491, 500

LASCELLES, Hon. W. S., *Wakefield*
Commercial Policy—Corn Laws, Com. moved for, (83) 563

LAW, Hon. C. E., *Cambridge University*
Administration of Criminal Justice, Com. *add. cl.* (86) 166, 167
Andover Union, The, Com. moved for, (84) 674
Bridport Election, (86) 1418
Corn Importation, Rep. (86) 299
Roman Catholic Relief, Com. (86) 157; *cl.* 1, Amend. 163, 164, 166

Law, Courts of (Scotland),
c. Question (Mr. Hume), (88) 28

Law Reforms, l. (88) 705

LAWSON, Mr. A., *Knaresborough*
Cheltenham Petition, The, Instruction, (84) 514
Commercial Policy—Hides, Amend. (84) 1160;—Linen, 1164

Lawson, Mr. A.—*continued.*
Corn Importation, 3R. (86) 646
Customs Duties, Com. (86) 832
Famine and Disease in Ireland, Com. moved for, (83) 1086
Potatoes from Yorkshire, (86) 832, 1427

Layard, Captain B. V., *Carlow Bo.*
Army, Claims of the, Com. moved for, (88) 887
Art Unions, Recom. (88) 196
Commercial Policy—Corn Laws, Com. moved for, (83) 1096
Corn Importation, 2R. (85) 197;—Oats, Com. (86) 136
Corporal Punishment in the Army, (88) 408, 429
Enlistments, Limited, (87) 122; Address moved, (88) 288, 302, 304, 315
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 27
Marine Mutiny, Com. (84) 1270
Military Pensions, Res. (88) 560, 565
Protection of Life (Ireland), 1R. (85) 1394; 2R. (87) 642
Quarantine Regulations, (88) 359
Staff Officers, Retiring Pensions to, (83) 754
Sutlej, Campaign on the, Thanks to the Army, (84) 411

Leader, Mr. J. T., *Westminster*
Game Laws—Silvester's Case, (86) 814

Leases (Ireland) Bill,
c. Leave, (87) 279; 1R.* 374; 2R.* 1161; Rep.* 1302; (88) 928; 3R.* 953; *l.* 1R.* 948; 2R.* 972; Rep.* 995; 3R.* 1020; Royal Assent, 1060

Leasehold Tenures (Ireland) Bill,
c. 1R.* (88) 750

Leather—The Tariff, c. (84) 1066

Lefevre, Right Hon. C. S., *see* Speaker, The

Lefroy, Mr. A., *Longford*
Commercial Policy—Corn Laws, Com. moved for, (83) 667
Corn Importation, Rep. (86) 255
Waste Lands (Ireland), Leave, (85) 1210

Legal Education (Ireland),
c. Com. moved for (Mr. Wyse), (85) 677; House counted out, 691

Legal Quays (London) Bill,
c. 1R.* (84) 1274; 2R.* (85) 852; 3R.* (87) 39; *l.* 1R.* (87) 27; 2R.* 228; Rep.* 1220; 3R.* (88) 893

Leinster, Duke of
Clerks of the Crown (Ireland), Returns moved for, (86) 580
Lieutenancies, County (Ireland), Correspondence moved for, (86) 119

Lichfield Free School,
c. Papers moved for (Viscount Ingestre), (85) 2; Adjourned Debate, 375; Motion withdrawn, 381

Liddell, Hon. H. T., *Durham*
Commercial Policy—Corn Laws, Com. moved for, (83) 287, 1440; (84) 165
Corn Laws, Total Repeal of the, (84) 543
Juvenile Offenders, (83) 547

Lieutenancies, County (Ireland),
l. Correspondence moved for (Lord Carew), (86) 109

Lincoln, Earl of, *Linlithgow, &c.*
Carrickmacross, Poor Law Union of, (87) 41
Clerks of the Crown, &c. (Ireland), Leave, (87) 761, 762
Colonial Office—Appointment of Mr. Rogers, (88) 367
Corn Importation, Rep. (86) 242, 244, 252, 258, 296, 297
Enclosure Acts, (87) 1230
Ireland, Measures of Relief for, (87) 1195; (88) 784
Landlord and Tenant (Ireland), Leave, (87) 279, 292, 293
Nelson Monument, The, (83) 127
Nottinghamshire, South, Election, (86) 419
Pollock, Mr. D., Appointment of, (88) 862, 867, 869
Protection of Life (Ireland), 2R. (87) 142, 143, 152, 153, 174, 406
Railway Legislation, (88) 847
Railways, Com. moved for, (83) 209
Rateable Property (Ireland), Leave, (87) 1032
Sites for Dwellings, Leave, (88) 347
Supply—Buckingham Palace, (88) 729
Wellington Statue, The, (88) 757

Lindsay, Hon. Captain J., *Wigan*
Enlistment in the Army, Address moved for, (88) 310

Linen—The Tariff, c. (84) 1163

Loan Societies Bill,
c. 1R.* (88) 243; 2R.* 282; Rep.* 358; 3R.* 371; *l.* 1R.* 467; 2R.* 598; Rep.* 645; 3R.* 695; Royal Assent, 844

Local Taxation,
c. Returns moved for (Mr. Wodehouse), (83) 417

Loch, Mr. J., *Kirkwall, &c.*
Central Railway (Scotland), 2R. (85) 70

Lockhart, Mr. A. E., *Selkirkshire*
Turnpike Roads (Scotland), Com. Amend. (85) 72

Lockhart, Mr. W., *Lanarkshire*
Commercial Policy—Corn Laws, Com. moved for, (83) 1416

London, Bishop of
Baths and Washhouses, Petition, (87) 104; (88) 105
Railway Travelling on Sundays, (87) 27, 28
Religious Opinions Relief, 2R. (85) 1269; Com. (87) 1379
St. Asaph and Bangor and Manchester Dioceses, 2R. (87) 1279
Sugar Duties, 2R. (88) 667

London, Administration of Justice in the City of,
l. Petition (Lord Brougham), (87) 1401

London and York Railway,
l. Petition (Marquess of Clanricarde), (84) 1272

LONDONDERRY, Marquess of
- Basilian Nuns of Minsk, (84) 767, 768
- Clerks of the Crown (Ireland), Returns moved for, (85) 580
- Corn Importation, 1R. (86) 732; 2R. 1124
- Corn Laws, The, (84) 476
- Ejectment of Tenantry, Returns moved for, (85) 273, 277
- Gulson, Mr., Case of, (83) 1045, 1048
- Ireland, State of, Address moved, (84) 1414
- Railway Legislation, Com. moved for, (85) 283
- Sutlej, Campaign on the, Thanks to the Army, (84) 372, 375

LONSDALE, Earl of
- Protection of Life (Ireland), Com. *cl.* 16, (84) 716

Loughborough Petty Sessions,
c. Question (Mr. Christie), (86) 223; Correspondence moved for, (88) 204

Lunatic Asylums and Pauper Lunatics Bill,
c. 1R.* (88) 343; 2R.* 371; Rep.* 622, 707; 3R.* 737; *l.* 1R.* 747; 2R.* 893; Rep.* 925; 3R.* 948; Royal Assent, 1020

Lunatic Asylums (Ireland) Bill,
c. 1R.* (88) 343; 2R.* 545; Rep.* 845; 3R.* 875; *l.* 1R.* 893; 2R.* 925; Rep.* 948; 3R.* 972; Royal Assent, 1020

Lunatic Asylums, District (Ireland) Bill,
c. 1R.* (87) 1229; 2R.* 1302; Rep.* (88) 977; 3R.* 1009; *l.* 1R.* 995; 2R.* 1020; 3R.* 1056; Royal Assent, 1060

LYNDHURST, Lord
- Pollock, Mr. D., Appointment of, (88) 893; Explanation, 948, 952, 953, 972
- Protests against the Corn Importation Bill, (87) 1221
- Religious Opinions Relief, Com. (87) 1378, 1380
  (*See also* CHANCELLOR, The LORD)

Lyndhurst, Lord—Explanations,
l. (88) 893, 948, 972

Lyons, Captain—Game Laws,
c. Question (Mr. J. Collett), (86) 329, 811, 958

LYTTELTON, Lord
- Canada, Despatches from, (87) 668, 669
- Convicts in Australia (86) 871
- Corn Importation, Com. (87) 260
- Death by Accident Compensation, 2R. (85) 969
- Deodands Abolition, 2R. (85) 969
- Railway Parcels, (88) 697
- Van Diemen's Land—Penal Settlements, (84) 480;—Attorney General of, (87) 1036
- Waste Lands (Australia) (88) 349; 2R. 703
- Western Australia, 2R. (86) 171

MACAULAY, Right Hon. T. B., *Edinburgh*
- Factories, 2R. (86) 1028
- Frost, Williams, and Jones, Address moved, (84) 888, 912

M'CARTHY, Mr. A., *Cork City*
- Business of the House, (85) 142
- Malta, Carnival at, (88) 329
- Polling Places (Ireland), Rep. (85) 1409
- Protection of Life (Ireland), 1R. (85) 1084

M'GEACHY, Mr. F. A., *Honiton*
- Corn Importation, 2R. (84) 1449

MACKENZIE, W. F., *Peebles-shire*
- Turnpike Roads (Scotland), 2R. (84) 1342; Com. (85) 73

MACKINNON, Mr. W. A., *Lymington*
- Cemeteries, Public, 2R. (88) 343, 345
- Customs Duties—Rum, (88) 567, 575
- Interments in Towns, Leave, (85) 467
- Quarantine Laws, Address moved, (86) 881
- Smoke Prohibition, 2R. (88) 630

MACNAMARA, Major W. N., *Clare*
- Ireland, State of, (85) 1017

M'NEIL, Right Hon. D., *see* ADVOCATE, The LORD

M'TAGGART, Sir J., *Wigton, &c.*
- Turnpike Roads (Scotland), Com. (85) 73

Magisterial Oppression,
c. Question (Mr. Christie), (86) 810, 1426

Magistrates, Appointment of,
c. Question (Lord G. Bentinck), (88) 760

Magistrates, Correspondence of,
c. Address moved (Mr. C. Christie), (88) 204

Magistrates, Dismissed (Ireland),
c. Question (Mr. Ross), (88) 203

MAHER, Mr. N., *Tipperary*
- Ryan, Mr., his Letter, (85) 484

Maize, Purchase of,
c. Question (Mr. Forster), (83) 490; — *The Tariff,* (84) 787

MALMESBURY, Earl of
- Address in Answer to the Speech, (83) 42
- Corn Importation, 2R. (86) 1261; Explanation, (87) 449; Com. *add. cl.* 674
- Ejectment of Tenantry (Ireland), Returns moved for, (85) 278

Malta, Carnival at,
c. Motion (Mr. Hume), (88) 318, [*o. q.* A. 50, N. 12, M. 38] 330

Man, Isle of,
c. Question (Dr. Bowring), (86) 176

Mandamus (Ireland) Bill,
c. 1R.* (87) 1229; 2R.* 1302; Rep.* 1404; 3R.* (88) 184; *l.* 1R.* 197; 2R.* 349; Rep.* 645; 3R.* 695; Royal Assent, 1060

MANGLES, Mr. R. D., *Guildford*
Gauge of Railways, 3R. *add. cl.* (88) 643
Railway Deposits, (83) 133
Railway Legislation, (85) 1328
Railways, Com. moved for, (84) 1234, 1247
Sutlej, Campaign on the, Thanks to the Army, (84) 418

MANNERS, Lord J., *Newark-upon-Trent*
Adjournment—Martyrdom of Charles 1st, (83) 370
Bequests for Pious and Charitable Purposes, 2R. (84) 578, 617
Commercial Policy—Corn Laws, Com. moved for, (83) 1089
Corn Laws, Total Repeal of the, (84) 470, 471
Education of the People, (87) 1254
Factories, Leave, (83) 398; 2R. (86) 496
Ferrand, Mr., and his Accusers, (84) 246
Forged Petitions, Com. moved for, (84) 384
Frost, Williams, and Jones, Address moved, (84) 911, 912
Lace Factories, 2R. (86) 933
Poor Removal, Instruction to Committee, (87) 95
Protection of Life (Ireland), 2R. (87) 839
Roman Catholic Relief, Leave, (83) 499; 2R. (84) 966; (86) 159; (87) 933
Supply—Education (Ireland), (87) 1259

Manning, Mr., Defalcation of,
c. Question (Mr. Hume), (87) 904

MARCH, Earl of, *Sussex, W.*
Commercial Policy—Corn Laws, Com. moved for, (83) 310, 907, 965; Com. (84) 765; Rep. 796
Corn Importation, 2R. (85) 64
Corn Laws, Total Repeal of the, (84) 467, 566
Fever (Ireland), Leave, (84) 294

Marine Mutiny Bill,
c. 1R.* (84) 1121; 2R.* 1167; Com. 1268; *add. cl.* (Rt. Hon. H. T. F. Corry), 1269; Rep.* 1274; 3R.* (85) 1; *l.* 1R.* 74; 2R.* 145; Rep. 272; 3R.* 365; Royal Assent, 412

Marriages (Ireland) Act Amendment,
l. 1R.* (88) 273; 2R.* 331; Rep.* 349; 3R.* 371; *c.* 1R.* 545; 2R.* 629; Rep.* 707; 3R.* 908; *l.* Royal Assent, 1020

MARTIN, Mr. C. W., *Newport, Isle of Wight*
Commercial Policy—Corn Laws, Com. moved for, (83) 787

Martyrdom of Charles 1*st—Adjournment,*
c. (83) 367

Mason, Joseph, Case of,
c. Question (Mr. R. Yorke), (84) 1274

MASTERMAN, Mr. J., *London*
Railways—Deposits, (83) 133

MAULE, Right Hon. F., *Perth*
Army, Claims of the, Com. moved for, (88) 889
Business of the Session, (87) 195
Central Railway (Scotland), 2R. Amend. (85) 68, 69, 70, 71

MAULE, Right Hon. F.—*continued.*
Church of Scotland and the Duke of Richmond, (87) 376
Corn Importation, 2R. (84) 1458
Corporal Punishment in the Army, (88) 409, 429; Returns moved for, Amend. 686
Enlistments in the Army, Address moved, (88) 302, 316
Malta, Carnival at, (88) 328
Military Flogging at Hounslow, (87) 1302
Railway Bills (Ireland), (83) 1260
Railway Termini in the Metropolis, (84) 1224
Railways, Com. moved for, (83) 202;—Amalgamation of, Com. moved for, (84) 1427
Sites for Places of Worship (Scotland), Leave, (83) 872, 873; 2R. (87) 207, 223, 226, 1036
Turnpike Roads (Scotland), 2R. (84) 1342; Com. (85) 71; Bill withdrawn, 74

Maynooth College,
l. Observations (Lord Redesdale), (88) 747

Mayo, Distress in,
c. Observations (Mr. D. Browne), (88) 1016

Medical Practitioners Bill,
c. 1R.* (88) 371; 2R.* 622; Rep.* 750

MELBOURNE, Viscount
Queen, The, Accouchement of, Address moved, (86) 1084

Merchant Seamen's Fund,
c. Question (Adm. Dundas), (83) 639

Metropolitan Buildings,
c. Question (Mr. Hawes), (86) 982

Metropolitan Buildings Bill,
c. Leave, (84) 620; 1R.* 623

Metropolitan Buildings (No. 2) Bill,
c. 1R.* (84) 625; 2R.* 716; Rep.* 845; 3R.* 929; *l.* 1R.* 977; 2R.* 1217; Rep.* 1271; 3R.* 1343; Royal Assent, (85) 1

Mexico, Conduct of the Government,
c. Papers moved for (Mr. M. Philips), (84) 923; Motion withdrawn, 928; —*Dispute with the United States,* Remarks (Lord G. Bentinck), (88) 978

Milbank Prison,
c. Com. moved for (Mr. T. S. Duncombe), (87) 1432, [*o. q.* A. 56, N. 10, M. 46] 1440; (88) 548; Motion withdrawn, 556; Question (Mr. W. Williams), 711

MILDMAY, Mr. H. St. J., *Southampton*
Arms (Ireland), 2R. (88) 593
Corn Importation, 2R. (85) 208

MILES, Mr. P. W. S., *Bristol*
Commercial Policy—Corn Laws, Com. moved for, Amend. (83) 549
Cunard's Line—Communication with the United States, Papers moved for, (87) 481, 482; Com. moved for, 1417, 1424, 1432
Sugar Duties, (88) 114

MILES, Mr. W., *Somersetshire, E.*
Address in Answer to the Speech, (83) 124
Andover Union, The, Com. moved for, (84) 675

MILES, Mr. W.—*continued.*
Commercial Policy—Corn Laws, Com. moved for, (83) 237, 286, 879, 883, 908, 1024, 1025; (84) 97, 271, 734, 736, 759, 760, 762, 766; Report, 787, 788;—Cotton, 1039;—Cattle, Amend. 1136
Corn Importation, 3R. (86) 355
Customs Duties, 3R. (86) 876
Dorsetshire, Representation of, (83) 453
Fever (Ireland), Leave, (84) 1006
Ireland, State of, (85) 1013, 1019
Smith, Mr. J. T., Case of, Com. moved for, (86) 553

Military Flogging—At Hounslow,
c. Question (Dr. Bowring), (87) 1302; Reply (Lord J. Russell), (88) 243, 374; Motion (Dr. Bowring), 381, [*o. q.* A. 90, N. 37, M. 53] 461; Res. (Mr. B. Osborne), 462, [*o. q.* A. 81, N. 25, M. 56] 463; *l.* Petition (Earl Fortescue), 598, 695; *c.* Returns moved for (Mr. Escott), 685; Amend. (Rt. Hon. F. Maule), 686; Question (Dr. Bowring), 757

Military Pensions,
c. Res. (Captain Layard), (88) 560; Motion withdrawn, 565

Militia, The,
c. Question (Mr. T. S. Duncombe), (83) 367, 426

Militia Ballot Suspension Bill,
c. 1R.* (87) 1381; 2R.* 1404; Rep.* (88) 113; 3R.* 184; *l.* 1R.* 197; 2R.* 274; Rep.* 331; 3R.* 349; Royal Assent, 371

Militia Pay Bill,
c. 1R.* (88) 343; 2R.* 358; Rep.* 463; 3R.* 545; *l.* 1R.* 598; 2R.* 645; Rep.* 695; 3R.* 747; Royal Assent, 844

MILNES, Mr. R. M., *Pontefract*
Art Unions, Recom. (88) 189, 190
Bequests for Pious and Charitable Purposes, 2R. (84) 587
Cheltenham Petition, The, Instruction, (84) 523
Commercial Policy—Corn Laws, Com. moved for, (83) 1454; Amend. (84) 726, 744;—Cotton, 1037
Cracow, Occupation of, Address moved, (88) 820
Fever (Ireland), Com. (84) 1209
Ibrahim Pacha, Visit from, (86) 960
Ireland, Measures of Relief for, (88) 793
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1294, 1295
Protection of Life (Ireland), 1R. (85) 363, 617; (87) 384
Public Works (Ireland), 2R. (83) 335
Railway Bills (85) 951
Roman Catholic Relief, 2R. (84) 970; Com. (86) 156

Ministerial Explanations,
c. (83) 85; *l.* 165

Ministerial Measures,
c. Question (Sir R. Peel), (83) 441

Ministers' Money (Ireland),
l. Petition (Lord Campbell), (83) 1249

Mint Prosecutions,
c. Question (Hon. F. H. F. Berkeley), (85) 788

MITCHELL, Mr. T. A., *Bridport*
Commercial Policy—Timber, Amend. (84) 1165, 1167

Mitchell, Thomas, Case of—The Post Office,
c. Address moved (Mr. T. S. Duncombe), (88) 955; Motion withdrawn, 961

MOFFATT, Mr. G., *Dartmouth*
Corn Laws, Total Repeal of the, (84) 533
Post Office, Com. moved for, (85) 828
Railway Deposits, Leave, (83) 1144; 2R. (85) 381
Sugar Duties, The, (83) 452; (87) 1330; Com. Res. 1, Amend. (88) 253
Sugar Duties—Annual Vote, (88) 565
Tea, Duty on, Correspondence moved for, (85) 960

MOLESWORTH, Sir W., *Southwark*
Chiltern Hundreds, The—Recent Resignations, Returns moved for, (83) 505
Commercial Policy—Corn Laws, Com. moved for, (83) 1207

MONTEAGLE, Lord
Art Unions, (86) 969
Burdens on Land, Com. moved for, Amend. (83) 931
Constabulary (Ireland), 2R. (88) 975
Corn Importation, 2R. (86) 1291; Com. (87) 347
Corn Laws, (83) 350
Customs Duties, 1R. (86) 864; 2R (87) 24; Com. 802
Distress in Ireland, (88) 1059
Drainage (Ireland), Com. (84) 220
Ejectment of Tenantry (Ireland), Returns moved for, (85) 276
Fishery Piers and Harbours (Ireland), 2R. (84) 10
Hardinge's, Viscount, Annuity, Com. *cl.* 3, (87) 31
Ireland, State of, Address moved, (84) 1367;—Condition of, Address moved, (88) 229, 243
London and York Railway, (84) 1273
Ministers' Money (Ireland), (83) 1254
Poor Employment (Ireland), Com. (88) 1001
Poor Law (Ireland), Privilege, (84) 1215, 1271
Prosecutors, Witnesses, &c., 2R. (84) 777
Protection of Life (Ireland), Com. (84) 694; *cl.* 16, 710; Rep. *cl.* 1, 841
Public Works (Ireland), 2R. (83) 528
Railway Bills, Com. moved for, (88) 200
Railway Companies Dissolution, Com. (85) 1340, 1342, 1345
Railway Legislation, Com. moved for, (85) 283; 660; Res. 1054, 1170; Returns moved for, 1144; (87) 39
Railway Parcels, (88) 697
Railways, Com. moved for, (83) 365, 366;—Standing Orders, *add. res.* 514
Small Debts, Com. *cl.* 8, (88) 281
Sugar Duties, 1R. (88) 523
United States—The Tariff, (83) 422

Monte Video,
c. Question (Lord J. Russell), (83) 370, 1188; *l.* Correspondence moved for (Lord Beaumont), 1152; Motion withdrawn, 1165; *c.* Question (Viscount Palmerston), (84) 1429

MONTROSE, Duke of
Railways, Com. moved for, (83) 362

Moodkee, Victory at,
l. Thanks to the Army (Earl of Ripon), (84) 354; *c.* (Sir R. Peel), 385; Acknowledgment of Vote of Thanks, (87) 1382; *l.* 1403;—*Colonel Bunbury,* Remarks (Duke of Richmond), (84) 623

MORGAN, Mr. C. O. S., *Monmouthshire*
Frost, Williams, and Jones, Address moved, (84) 921

MORLEY, Earl of
Burdens on Lands, Com. moved for, (83) 1044

MORNINGTON, Earl of
Corn Importation, Com. *add. cl.* (87) 674, 681, 684

MORPETH, Viscount, *Yorkshire, W. R.*
Arms (Ireland), 2R. (88) 586
Commercial Policy—Corn Laws, Com. moved for, (83) 803
Factories, 2R. (86) 479, 1023
Ferrand, Mr., his Speech, (84) 120
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1194
Peel, Sir R., his Explanation, (87) 750
Polling Places (Ireland), Rep. (85) 1411
Poor Removal, Instruction to Committee, (87) 70
Protection of Life (Ireland), 1R. (85) 611, 629
Railway Projects, (85) 607
Roman Catholic Relief, 2R. (84) 944
Sites for Dwellings, Leave, (88) 347; Bills withdrawn, 463
Smoke Prohibition, 2R, (88) 629
Wellington, Duke of, Statue to the, Address moved, (87) 1412, 1416, 1417; (88) 372, 756

MORRIS, Mr. D., *Carmarthen*
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 32

MORRISON, Mr. J., *Inverness, &c.*
Railway Commissioners, Leave, (88) 892
Railway Legislation; Res. (88) 845
Railways, Com. moved for, (83) 217; (84) 1229 1260, 1266, 1430

MOUNT-CASHELL, Earl of
Public Works (Ireland), 2R. (83) 539

MUNTZ, Mr. G. F., *Birmingham*
Arms (Ireland), 2R. (88) 581
Commercial Policy—Corn Laws, Com. moved for, (83) 1312, 1338, 1432, 1439;—Bronze, (84) 1023, 1024;—Silk Manufactures, 1129
Factories, Leave, (83) 407; 2R. (86) 1015, 1079
Gauge of Railways, 3R. *add. cl.* (88) 638
Lace Factories, 2R. (86) 935, 937

MUNTZ, Mr. G. F.—*continued.*
Lichfield Free Grammar School, Papers moved for, (85) 380
Railway Commissioners, Com. (88) 934
Railway Deposits, (83) 376
Smith, Mr. J. T., Case of, Com. moved for, (86) 543

Mutiny Bill,
c. 1R.* (84) 1121; 2R.* 1167; Com. *add. cl.* (Rt. Hon. S. Herbert), 1267; Rep.* 1274; 3R.* (85) 1; *l.* 1R,* 74; 2R.* 145; Rep.* 272; 3R.* 365; Royal Assent, 412

NAPIER, Sir C., *Marylebone*
Address in Answer to the Speech, (83) 114
Commercial Policy—Corn Laws, Com. moved for, (83) 1110
Corporal Punishment in the Army, (88) 435
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 23
Marine Mutiny, Com. (84) 1264, 1268, 1270
Naval Courts Martial—Flogging Sailors, (87) 1346; (88) 273
Naval Retirements, (85) 673; (86) 1424; (88) 839
Navy, Civil Department Bill, 2R. (87) 615, 627
Navy, The, (87) 1350
Pritchard Indemnity, The, (83) 424
Supply—Navy Estimates, (87) 1452;—Retirement for Naval Officers, (88) 839

National Gallery—Supply, c. (87) 1264

Naval and Military Departments Bill,
c. 1R.* (88) 463; 2R.* 622; Rep.* 707, 750, 3R.* 845. *l.* 1R.* 893; 2R.* 925; Rep.* 948; 3R.* 972; Royal Assent, 1020

Naval Courts Martial—Flogging Sailors,
c. Remarks (Mr. W. Williams), (87) 1337; (88) 271; Question, 622

Naval Medical Supplemental Fund Society Bill,
c. 1R.* (88) 282; 2R.* 343; Rep.* 371; 3R.* 463; *l.* 1R.* 467; 2R.* 695; Rep.* 747; 3R.* 844; Royal Assent, 1020

Naval Retirement,
c. Question (Adm. Dundas), (83) 183; (Sir C. Napier), (85) 673; Remarks (Sir C. Napier), (86) 1424;—*Supply,* (88) 838

Navy Civil Department Bill,
c. 1R.* (85) 976; 2R. (87) 615, [A. 11, N. 107, M. 96] 628

Navy Estimates—Supply, c. (87) 1446

Navy, The Bellerophon and Rodney,
l. Observations (Earl of Wilton), (84) 1120;—*The Bellerophon and Calcutta;* Remarks (Earl of Hardwicke), (85) 75; *c.* Observations (Sir C. Napier), (87) 1350; —*Manning the, c.* Remarks (Mr. Bernal), (88) 873

Negroes, Captured—Supply. c. (87) 1267

Nelson Monument, The,
c. Question (Mr. J. Collett), (83) 127

NEVILLE, Mr. R., *Windsor*
Corporal Punishment in the Army, (88) 417

- NEWDEGATE, Mr, C. N., *Warwickshire, N.*
  - British Possessions, Com. (88) 681; 3R. 745
  - Business of the House (87) 1193
  - Charitable Trusts, 2R. (87) 1134
  - Commercial Policy—Corn Laws, Com. moved for, (83) 301, 322, 325, 1283; Rep. (84) 794, 831, 1022;—Bronze, 1024;—Silk Manufactures, 1086
  - Corn Importation, 3R. (86) 421
  - Corn Laws, Total Repeal of the, (84) 571
  - County Elections, 2R. (85) 861
  - Ecclesiastical Peculiars, (88) 708
  - Factories, Leave, (83) 415
  - Fever (Ireland), Leave, (84) 1010
  - Foreign Grain in Bond, Returns moved for, (88) 739
  - Forged Petitions, Com. moved for, (84) 380, 381; Instruction, 502, 508, 527
  - Fraudulent Objections to Voters, Com. moved for, (84) 928, 929
  - Government Measures, (85) 159
  - Ireland, State of, (85) 1016, 1017
  - Joint Stock Banks (Scotland and Ireland), Com. *cl.* 1, (88) 218
  - Peel, Sir R., his Explanation, (87) 745, 755
  - Poor Removal, Instruction to Committee, (87) 69
  - Protection of Life (Ireland), 2R. (87) 1021
  - Railway Bills, (85) 929
  - Roman Catholic Relief, 2R. (84) 965; Com. (86) 156; *cl.* 1, 164, 165, 166; (87) 934
  - Small Debts, Com. (88) 918; *cl.* 9, 919
  - Smith, Mr. J. T., Case of, Com. moved for, (86) 549
  - Taylor, Sir C., Charges against, (87) 125
- *Newenham's Divorce Bill,*
  - *l.* Remarks (Lord Brougham), (84) 3
- *Newfoundland Bill,*
  - *c.* 1R* (87) 964; 2R.* (88) 27; Rep.* 184; 3R.* 202; *l.* 1R* 224; 2R.* 274; Rep.* 331; 3R.* 349; Royal Assent, 371
- NEWPORT, Viscount, *Salop S.*
  - Commercial Policy—Corn Laws, Com. moved for, (83) 325
  - Protection of Life (Ireland), 2R. (87) 977
- *New South Wales—Mr. Manning,*
  - *c.* Question (Mr. Hume), (87) 904
- *New Zealand,*
  - *c.* Observations (Mr. C. Buller), (86) 967; Question (Mr. C. Buller), (87) 809;—*Supply, c.* (83) 1265
- *New Zealand, Government of, Bill,*
  - *c.* Leave, (88) 737; 1R.* *ib.*; 2R.* 750; Rep.* 875; 3R.* 908; *l.* 1R.* 893; 2R.* 972; Rep.* 995; 3R.* 1020; Royal Assent, 1060
- *New Zealand, Loan Bill,*
  - *c.* 1R.* (87) 909; 2R.* 1065; Rep.* 1161; 3R.* 1229; *l.* 1R.* 1269; 2R.* (88) 113; Rep.* 197; 3R.* 224; Royal Assent, 274
- *New Zealand Loan Act Amendment Bill,*
  - *c.* 1R.* 707; 2R.* 750; Rep.* 875; 3R.* 908; *l.* 1R.* 893; 2R.* 925; Rep.* 948; 3R.* 972; Royal Assent, 1021
- NICHOLL, Right Hon. J. I., *Cardiff*
  - Corporal Punishment in the Army, Returns moved for, (88) 688
- NORMANBY, Marquess of
  - Corn Importation, 2R. (86) 1215, 1271, 1277, 1370
  - Ireland, Crime in, Returns moved for, (86) 970
  - Lieutenancies, County (Ireland), Correspondence moved for, (86) 115
  - Public Baths and Washhouses, (87) 108
- NORREYS, Lord, *Oxfordshire*
  - Commercial Policy—Corn Laws, Com. moved for, (83) 565
- NORREYS, Sir J. D. O. J., *Mallow*
  - Ireland, Measures of Relief for, (88) 792
- NORTHLAND, Viscount, *Dungannon*
  - Address in Answer to the Speech, (83) 123
  - Commercial Policy—Corn Laws, Com. moved for, (83) 908, 909
- NORWICH, Bishop of
  - St. Asaph and Bangor and Manchester Dioceses, 2R. (87) 1289
- *Nottinghamshire, South, Election*
  - *c.* Explanation (Mr. Hildyard), (86) 416
- *Oats—The Tariff*
  - *c.* Com. Amend. (Lord G. Bentinck), (86) 121; Amend. withdrawn, 136
- O'BRIEN, Mr. A. S., *Northamptonshire, N.*
  - Charitable Trusts, 2R. (87) 1129
  - Cheltenham Petition, The, Instruction, (84) 520
  - Church of Ireland, (84) 98
  - Commercial Duties, (83) 754, 756
  - Commercial Policy—Corn Laws, Com. moved for, (83) 285, 299, 642, 713, 808, 911; Com. (84) 721, 741, 743; Rep.—Bronze, 1025
  - Corn Importation, 2R. (85) 248; Rep. (86) 252
  - Customs Duties, 3R. (86) 874
  - Foreign Grain in Bond, Returns moved for, (83) 740
  - Ireland, State of, (85) 999
  - Lace Factories, 2R. (86) 950
  - Peel, Sir R., his Explanation, (87) 758
  - Protection of Life (Ireland), 2R. (87) 190, 966
  - Public Business, (84) 1121
- O'BRIEN, Mr. J., *Limerick City*
  - Protection of Life (Ireland), 1R. Amend. Adj. (85) 649, 732, 1097
- O'BRIEN, Mr. T., *Cashel*
  - Protection of Life (Ireland), 1R. (85) 1361
- O'BRIEN, Mr. W. S., *Limerick Co.*
  - Destitute Poor (Ireland), 2R. (85) 403
  - Distress (Ireland), (85) 695
  - Ejectment of Tenantry (Ireland), (85) 485
  - Fever (Ireland), Leave, (84) 986, 987, 1006, 1048, 1053; Com. 1186
  - Ireland, State of, (85) 980, 1014, 1016
  - Orders of the Day, (85) 293
  - Polling Places (Ireland), Rep. (85) 1141
  - Protection of Life (Ireland), 1R. (85) 361, 372; Amend. 493, 609, 703, 726, 729, 780, 1122, 1123
  - Railway Bills (Ireland), (85) 840, 847, 848, 851
  - Refusal to serve on a Committee, (85) 1071, 1153, 1198
  - Reily, Case of, Address moved, (85) 480, 488

O'Brien, Mr. W. S.—Refusal to Serve on a Committee,
c. (85) 1071, 1152; Motion (Mr. Estcourt), 1153; Amend. (Mr. Warburton), 1167, [*o. q.* A. 139, N. 15, M. 124] 1191; Main Question, [A. 133, N. 13, M. 120] 1192; That Mr. Speaker do issue his Warrant (Mr. Estcourt), *ib.*; Adj. Debate, 1290; Taken into Custody, 1300;—Leave given to attend Com. of House of Lords, 1333;—Letter from, 1351; Observations (Mr. Speaker), (86) 966; Motion (Mr. O'Connell), 983, [A. 36, N. 180, M. 144] 997; Motion for Liberation (Rt. Hon. F. Shaw), 1198; Order for Discharge, 1201

Observatory, Royal, Greenwich,
c. Question (Sir R. H. Inglis), (87) 102, 480

O'CONNELL, Mr. D., *Cork Co.*
Bequests for Pious and Charitable Purposes, 2R. (84) 596, 597, 598
Birdhill, Tragical Occurrence at, (86) 1287
Cheltenham Petition, The, Instruction, (84) 522
Church of Ireland, (84) 102
Commercial Policy—Corn Laws, Com. (84) 759
Drainage (Ireland), 2R. (83) 431
Elective Franchise (Ireland), (83) 1391
Famine and Disease in Ireland, Com. moved for, (83) 1050, 1085, 1088; (84) 780
Ferrand, Mr., and his Accusers, (84) 246
Fever (Ireland), Leave, (84) 984, 1049
Fitzgerald, Dr., Correspondence moved for, (85) 1330, 1333
Guilds of Dublin, (85) 789
Ireland, Crime in, (86) 1203
Ireland, State of, (85) 1006
Landlord and Tenant (Ireland), (87) 376
O'Brien, M. W. S.—Refusal to serve on a Committee, (85) 1160, 1188, 1196, 1292; (86) 967, 983, 992, 996
Orders of the Day, (85) 306
Polling Places (Ireland), Rep. (85) 1410, 1411
Poor Removal, Com. (87) 121
Potato Crop, Loss of the (Ireland), (87) 1383
Protection of Life (Ireland), (85) 77; 1R. 338; 357, 358, 361, 374, 712, 728; 2R. (87) 400, 422, 427
Provisions for Ireland, (88) 29, 31
Public Works (Ireland), 2R. (83) 333
Railway Bills, (85) 942
Railway Bills (Ireland), (88) 1256
Railway Legislation, (85) 1330
Reily, Case of, Address moved, (85) 481
Roman Catholic Relief, Leave, (83) 500; 2R. (84) 947, 959, 961; Com. (86) 146, 154
Ryan, Mr., his Letters, (85) 482, 483
Seery, Bryan, Execution of, at Mullingar, (83) 1392, 1394
Waterford, Marquess of—Alleged Evictions (Ireland), (85) 1076

O'CONNELL, Mr. J., *Kilkenny Bo.*
Business of the House, (86) 1421
Business of the Session, (87) 195, 196
Factories, Leave, (83) 407
Famine and Disease in Ireland, Com. moved for, (83) 1077, 1086
Fever (Ireland), Leave, (84) 992; Com. 1213
Landlord and Tenant (Ireland), Leave, (87) 292
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1169, 1193
Orders of the Day, (85) 325

O'CONNELL, Mr. J.—*continued.*
Poor Law (Ireland), (83) 419
Privilege, (84) 224, 225
Protection of Life (Ireland), 1R. (85) 610; Amend. Adj. (85) 650, 729, 778, 781, 786, 1022; 2R. (87) 190
Railway Projects, (85) 609
Roman Catholic Relief, 2R. (84) 965
Waterford, Marquess of—Alleged Evictions (Ireland), (85) 1075

O'CONNELL, Mr. M., *Tralee*
Ireland, State of, Adj. (85) 1016
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1171
Protection of Life (Ireland), 1R. (85) 1353, 1356
Railway Bills (Ireland), (85) 850

O'CONNELL, Mr. M. J., *Kerry*
Commercial Policy—Corn Laws, Com. moved for, (84) 15
Corn Laws, Total Repeal of the, (84) 472
O'Brien, Mr. W. S., (86) 994, 996
Protection of Life (Ireland), 2R. (87) 173
Roman Catholic Relief, Com. (87) 930
Trinity College, Dublin, Tenants of, (88) 341

O'CONOR, Mr. D., (The O'Conor Don,) *Roscommon*
Address in Answer to the Speech, Report, (83) 155
Constabulary (Ireland), Payment of the, Leave, (88) 370
Destitute Poor (Ireland), 2R. (85) 409
Mayo, Distress in, (88) 1018
Protection of Life (Ireland), 1R. (85) 614
Railway Bills (Ireland), Instruction to Committee, (83) 1255, 1260
Railways, Report of Select Committee, (83) 511

O'FERRALL, Mr. R. M., *Kildare*
County Works Presentment (Ireland), Com. (83) 912
Poor Law (Ireland), (83) 734

Offences, Trial of (Ireland) Bill,
l. 1R.* (87) 1033

Orders of the Day,
c. Amend. (Sir W. Somerville), (85) 288, [*o. q.* A. 147, N. 108, M. 39] 331

Ordnance, Board of,
c. Com. moved for (Mr. Hume), (88) 557; Motion withdrawn, 560

Ordnance Survey Bill,
c. 1R.* (87) 808; 2R.* 1065; Rep.* 1229; 3R.* 1302; *l.* 1R.* 1375; 2R.* (88) 274; Rep.* 331; 3R.* 349; Royal Assent, 371

Oregon Boundary, The,
l. Question (Lord Brougham), (83) 341; Correspondence moved for (Earl of Clarendon), (84) 1112; *c.* Question (Mr. Borthwick), 1277; (Mr. Hume), (86) 1424; *l.* (Lord Brougham), (87) 1037

Oregon Treaty, The, l. (37) 1221

Osborne, Mr. B., *Wycombe-Chipping*
Arms Act (Ireland), (84) 1044; (88) 373; 2R. 583
Business of the House, (87) 1185
Corporal Punishment in the Army, (88) 244, 408, 425; Res. 462
Enlistment in the Army, Address moved, (88) 308, 315
Fever (Ireland), Leave, (84) 983; Com. 1208
Ireland, Legislative measures for, (88) 464
Landlord and Tenant (Ireland), Leave, (87) 292
Protection of Life (Ireland), 1R. (85) 527; 2R. (87) 142, 150, 151, 152, 166
Taylor, Sir C., Charges against, (87) 128

Oswald, Mr. A., *Ayrshire*
Sugar Duties, (88) 121

Outlawries Bill, c. 1R.* (83) 51

Oxford, Bishop of
Corn Importation, Com. (87) 320, 324, 352, 373; Explanation, 450
Religious Opinions Relief, Com. (86) 601, 606, 610
St. Asaph and Bangor and Manchester Dioceses, 2R. (87) 1294
Sugar Duties, 2R. Amend. (88) 649
Van Diemen's Land — Penal Settlements, (84) 496, 501

Packe, Mr. C. W., *Leicestershire, S.*
Commercial Policy—Corn Laws, Com. moved for, (84) 40
Corn Importation, 2R. (84) 1456; Com. *cl.* 1, Amend. *r. p.* (86) 91
Poor Removal, Instruction to Committee, (87) 71; Com. 1208, 1389
Railway Bills, (85) 943

Paget, Lord A. H., *Lichfield*
Commercial Policy—Corn Laws, Com. moved for, (83) 1246

Pakington, Sir J. S., *Droitwich*
Andover Union, Leave to Report Proceedings of Committee, (86) 1412
Poor Removal, Instruction to Committee, (87) 54; Com. 1071, 1206, 1388
Railways, Amalgamation of, Com. moved for, (84) 1429
Roman Catholic Relief, 2R. (84) 964

Palmer, Mr. G., *Essex, S.*
Commercial Policy—Corn Laws, Rep. (84) 801; —Timber, 1297
Corn Importation, 3R. (86) 432
Corn Laws, (83) 549;—Total Repeal of the, (84) 456

Palmer, Mr. R., *Berkshire*
Commercial Policy—Corn Laws, Com. moved for, (83) 1100, 1128
Poor Removal, Com. (87) 1218
Rating of Tenements, 2R. (87) 629

Palmerston, Viscount, *Tiverton*
Buenos Ayres, (83) 1189; (84) 1432
Carrying Trade with the Spanish Colonies, (88) 807

Palmerston, Viscount—*continued.*
Corn Importation, 2R. (85) 252
Cracow, Occupation of, Address moved, (88) 826
Mexico and the United States, (88) 984
Plata, Rio de la, (83) 1189; (84) 1432
Railways—Broad and Narrow Gauge, Resolutions, (87) 612, 613
Resignation of Ministers, (87) 1055
Supply—Captured Negroes, (87) 1267, 1268
Turkey, Trade with, (88) 1022

Paper, Stained, &c.—Customs Duties,
l. (87) 883

Parker, Mr. J., *Sheffield*
Books and Engravings, Com. (87) 1136
Post Office, The—Case of Thomas Mitchell, Address moved, (88) 957
Railways, Com. moved for, (83) 214; (84) 1237
Shannon, Navigation of the, (88)
Sheffield, Outrage at, (85) 1083
Supply—Poor Law Commissioners, (87) 1110;—Education, 1257

Parliament, New Houses of,
c. Question (Sir R. H. Inglis), (83) 837; *l.* Address moved (Marquess of Clanricarde), (85) 367, 970; (87) 1033;—*Ventilation of,* Question (Marquess of Clanricarde), (86) 170;—*c. Supply,* 1208

Parliament, Opening of,
l. (83) 1;—*Prorogation of,* (88) 1061

Parliamentary Electors and Freemen Bill,
c. 1R.* (85) 590; 2R. (87) 909, [A. 53, N. 94, M. 41] 916

Patent Commissions Bill,
l. 1R.* (88) 598; 2R.* 645; Rep.* 695; 3R.* 844; *c.* 1R.* 908; 2R. 936; 3R.* *ib.* *l.* Royal Assent, 1020

Patten, Mr. J. W., *Lancashire, N.*
Central Railway (Scotland), 2R. (85) 69
Railway Bills (Ireland), (83) 1260
Railway Legislation, (85) 669
Railway Projects, (85) 601
Railway Termini in the Metropolis, (84) 1221, 1226
Railways, Amalgamation of, (84) 779; Com. moved for, 1420, 1431

Pattison, Mr. J., *London*
Tariff, The, (83) 492, 493

Paupers, Employment of,
c. Papers moved for (Captain Pechell), (83) 454, 1146; (Mr. Christie), 506; Motion withdrawn, 507

Pawnbrokers Bill,
c. 1R.* (88) 750; 2R.* 928; Rep.* 977; 3R.* 1009; *l.* 1R.* 995; 2R.* 1020; 3R.* 1056; Royal Assent, 1060

Pechell, Capt. G. R., *Brighton*
Andover Union, The, Com. moved for, (84) 665; Leave to Report Proceedings of Committee, (86) 1412
Army, Claims of the, Com. moved for, (88) 886
Farnham, Parish of, Returns moved for, (83) 1145
Fisheries, French, (83) 458, 460

Pechell, Capt. G. R.—*continued.*
Milbank Prison, Com. moved for, (87) 1438
Naval Courts Martial — Flogging Sailors, (87) 1346; (88) 273
Navy Civil Departments, 2R. (87) 625
Out-Pensioners Payment, 2R. (84) 973
Paupers, Employment of, (83) 454, 458, 1146
Poor Removal, Com. (87) 1218; *cl.* 1, Amend. 1395
Public Institutions, Admission to, on Sundays, (88) 723
Supply—Poor Law Commissioners, (87) 1109; —Navy Estimates, 1457;—Buckingham Palace, (88) 728;— Retirement of Naval Officers, 839, 843, 844
Warner, Captain, his Invention, (87) 1076

Peel, Right Hon. Sir R., *Tamworth*
Address in Answer to the Speech, (83) 67, 103; Report, 141, 145, 152, 153, 156, 163
Adjournment—Martyrdom of Charles 1st. (83) 367, 368; (85) 676
American Mail Steam Packets, Com. moved for, (87) 1429
Art Unions, Recom. (88) 189
Austrian Authorities in Gallicia, (85) 958
Bingley Union, The, (86) 954, 958
Brazil, Trade with, (83) 490, 526
Brazilian Criminals and Slave Trade, (83) 492
Bridport Election, (86) 905, 1417
Buenos Ayres and Monte Video, (83) 370, 371, 1189; (84) 1433, 1438
Business of the House, (85) 136, 138, 139, 142, 1214; (86) 1421, 1422
Business of the Session, (87) 194, 195
Canada—Commercial Policy, (86) 1426
Charitable Trusts, Com. (88) 186
Cheltenham Petition, The, Instruction, (84) 510, 513
Colonial Postage, (83) 1262
Colonial Produce—Foreign Spirits, (83) 428
Commercial Policy—Customs—Corn Laws—Com. moved for, (83) 237, 238, 239, 284, 286, 287, 301, 305, 314, 315, 316, 492, 494, 548, 549, 861, 1003, 1024, 1025, 1135, 1203, 1205, 1234; (84) 132, 734, 735, 748, 752, 753, 755, 756, 758, 759, 761, 764, 766, 767, 784, 785; Report, 787, 788;—Foreign Books, 816;—Hops, 822, 1058;—French Wines, 826, 828, 831, 1011;—Bronze, 1023;—Buttons, 1034; Silk Manufactures, 1100;—Clover, 1135;——Cattle, 1141
Corn, Foreign, (83) 494
Corn Importation, (84) 1281; 2R. 1439, 1462; (85) 213; Com. (86) 53; *cl.* 1, 92; 3R. 427, 616, 631, 689, 709
Corn Laws, Total Repeal of the, (84) 450, 471, 530
Customs Duties, 3R. (86) 874
Distress (Ireland), (85) 693, 697, 702
Dorsetshire, Representation of, (83) 453
Duty, Recent Reduction of, (84) 1054
Elections, Interference of Peers at, Com. moved for, (83) 1183
Elective Franchise (Ireland), (83) 1391
Entailed Lands (Scotland), (83) 425, 426
Explanation, (87) 688, 738, 739
Factories, 2R. (86) 535, 1001, 1061
Famine and Disease in Ireland, (84) 781
Fees in Courts of Law and Equity, Com. moved for, (86) 212
Ferrand, Mr., and his Accusers, (84) 248, 250

Peel, Right Hon. Sir R.—*continued.*
Fever (Ireland), Leave, (84) 989, 998, 1000, 1051
Fraudulent Objections to Voters, Com. moved for, (84) 929
Frost, Williams, and Jones, Address moved, (84) 913
German Customs Tariff, (86) 953
Government Measures, (85) 159
Greece, Finances of, (85) 675
Greek Loan, The, (83) 1390
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 9, 33; Leave, 613, 614; Com. 856, 858
Ibrahim Pacha, Visit of, (86) 960
India, The War in, (83) 1390
Ireland, State of, (85) 1014, 1016, 1020, 1022;—Measures of Relief for, (86) 1196;—Crime in, 1203
Lace Factories, 2R. (86) 940
Landlord and Tenant (Ireland), (83) 965
Mexican Government, Conduct of the, Address moved, (84) 924, 927, 928
Ministerial Measures, (83) 441
Naval Retirements, (86) 1425
New Zealand, (86) 967; (87) 809
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1172, 1196, 1197, 1292, 1333; (86) 994; Liberation of, 1200
Observatory, Royal, at Greenwich, (87) 102, 480
Orders of the Day, (85) 318, 329
Oregon Territory, The, (84) 1279; (86) 1424
Polish Nuns, The, (84) 680, 683
Poor, Medical Relief to the, (83) 489
Poor Removal, Com. (87) 118, 121; *cl.* 1, 1399
Potato Disease, The, (88) 1263
Pritchard Indemnity, The, (88) 424
Protection of Life (Ireland), (83) 1394; (84) 1045; (85) 76, 77; 1R. 361, 363, 372, 374, 609, 610, 612, 650, 657, 721, 727, 780, 783, 785, 1106; (86) 1201; 2R. (87) 414, 418; Explanation, 481, 537
Public Works (Ireland), Com. (88) 186
Queen, Accouchement of the, Address moved, (86) 1197
Railway Bills, (85) 701; Resolutions, 892, 911, 931, 932, 934; (86) 539
Railway Bills (Ireland), (85) 845, 847, 848; (86) 7, 8
Railway Deposits, (83) 376, 378
Railway Projects, (85) 593, 605, 607
Railway Termini in the Metropolis, (84) 1223, 1225, 1283
Railways, Com. moved for, (83) 188, 194, 219, 223; (84) 1261, 1426, 1428;—Broad and Narrow Gauge, Resolution 2, Amend. (87) 613
Resignation of Ministers, (87) 1040, 1059
Roman Catholic Relief, Com. (86) 151, 157, 160; *cl.* 1, 164, 165
Russia and Turkey, Treaty between, (86) 1423
St. Asaph and Bangor, Sees of, (88) 287
Sessional Orders, (83) 29, 130, 1131
Settlement, Law of, (85) 87, 88
Shetland, Distress in, (85) 1218
Silk Duties, (83) 493
Spain, Trade with, (83) 489;—Discriminating Duties, (86) 1202, 1287
Spirit Duties (Ireland), (83) 494, 495
Stoddart, Colonel, and Captain Conolly, (85) 979
Sugar Duties, The, (83) 452, 453; (87) 1317; 1326; (88) 93; Rep. 287
Sugar, Spanish, (84) 979

PEEL, Right Hon. Sir R.—*continued.*
Supply, (86) 1204;—Houses of Parliament, 1208, 1209
Sutlej, Campaign on the, Thanks to the Army, (84) 385, 418, 420, 421; (85) 436, 462, 466
Tariff, The, (88) 492, 494
Timber Duties, (83) 440, 441;—Returns, (85) 792
Vacancies in Government Offices, (84) 226
Wellington, Duke of, Equestrian Statue to the, (86) 961, 962
Windsor, Dean of, (87) 810

Peel, Sir R., his Explanation,
c. (87) 668

PEEL Colonel, J., *Huntingdon*
Corporal Punishment in the Army, (88) 402, 405
Enlistment in the Army, Address moved, (88) 316
Ordnance, Board of, Com. moved for, (88) 559

Peers, Interference of at Elections,
c. Com. moved for (Mr. J. Collett), (83) 1167; Motion withdrawn, 1188

Penal Colonies—Van Diemen's Land,
l. Petitions (Marquess of Lansdowne), (84) 480

Pensioners, Out-Payment (Greenwich and Chelsea) Bill,
c. 1R.* (84) 716; 2R. 973; Rep.* 1044; 3R.* 1121; *l.* 1R.* 1214; 2R.* (85) 74; Rep.* 145; 3R.* 272; Royal Assent, 412

Pensioners, Out, Services (Greenwich and Chelsea) Bill,
c. 1R.* (84) 716; 2R.* 929; Rep.* 1121; 3R.* 1167; *l.* 1R.* 1214; 2R.* (85) 74; Rep.* 145; 3R.* 272; Royal Assent, 412

Pensions—Infant Schools,
l. Returns moved for (Lord Brougham), (88) 274, 699

Pensions, Military,
c Res. (Captain Layard), (88) 560; Motion withdrawn, 565

Petitions, Forged,
c. Com. moved for (Hon. C. Berkeley), (84) 380; Instruction (Mr. Newdegate), 502; Motion withdrawn, 527

Petitions, Interpolated—Privilege,
c. (83) 460, 486

Petitions—Private Bills,
Resolution (Mr. Greene), (83) 961; Amend. (Mr. Entwisle), *ib.*, [*o. q.* A, 105, N. 63, M. 42] 963

PHILIPS, Mr. M., *Manchester*
American Mail Steam Packets, Com. moved for, (87) 1428
Factories, 2R. (85) 1248
Frost, Williams, and Jones, Address moved, (84) 917
Gauge of Railways, 3R. *add. cl.* (88) 641
Lace Factories, 2R. (86) 947
Mexican Government, Conduct of the, Address moved, (83) 923
Railway Bills (85) 928

Piers and Harbours, Fishery (Ireland) Bill,
c. Leave, (83) 435; 1R.* 439; 2R.* 638; Rep.* 833; 3R.* 960; *l.* 1R.* 1043; 2R. (84) 10; Rep.* 110; 3R.* 219; Royal Assent, 623

PIGOTT, Right Hon. D. R., *Clonmel*
Arms (Ireland), 2R. (88) 582
Constabulary (Ireland), 2R. (88) 878
Crown Solicitors (Ireland), (83) 1261
Ejectments (Ireland), Com. *cl.* 15, (88) 644
Polling Places (Ireland), Rep. (85) 1410

Places of Worship, Sites for (Scotland), Bill,
c. Leave, (86) 872; 1R.* 912; 2R. (87) 207; Order for 2R. discharged, 1036;—*l.* Petition (Marquess of Breadalbane), (87) 1355;—see *Church of Scotland*

Plata Rio de la,
c. Question (Lord J. Russell), (83) 370, 1188; *l.* Correspondence moved for (Lord Beaumont), 1152; Motion withdrawn, 1165; *c.* Question (Viscount Palmerston), (84) 1429

PLUMPTRE, Mr. J. E., *Kent, E.*
Commercial Policy—Hops, Amend. (84) 1056
Corn Importation, 2R. (85) 8; 3R. (86) 438
Customs Duties, Com. (86) 849
Railways, Com. moved for, (83) 208

PLUMRIDGE, Capt. J. H., *Penryn and Falmouth*
Navy Civil Department, 2R. (87) 627

Poisoning, Case of, at Happisburgh,
c. Question (Mr. Wakley), (86) 952; (87) 375

Poland, The late Insurrection in,
l. Question (Lord Beaumont), (85) 574; *c.* (Mr. C. Buller), 958; *l.* (Lord Brougham), (87) 361; Reply (Marquess of Lansdowne), 1377;—*Independence of Cracow,* Address moved (Lord Beaumont), (88) 602; Amend. (Marquess of Lansdowne), 612; *c.* Address moved (Mr. Hume), 815; Motion withdrawn, 838

POLHILL, Capt. F., *Bedford*
Corn Importation, 3R. (86) 434
Corporal Punishment in the Army, Returns moved for, (88) 694

Polish Nuns, The,
c. Papers moved for (Hon. W. F. Cowper), (84) 677; *l.* Question (Marquess of Londonderry), 767

Polling Places (Ireland) Bill,
c. 1R.* (85) 435; 2R.* 590; Rep. 1141; Adj. Debate, 1409; 3R. (86) 121; *l.* 1R.* 167; 2R. 536; Rep.* 1083; 3R.* 1209; Royal Assent, (87) 631

POLLINGTON, Viscount, *Pontefract*
Andover Union, The, Com. moved for, (84) 671
Commercial Duties, (83) 756
Commercial Policy—Corn Laws, Com. (84) 758
Corn Importation, 2R. (85) 4
O'Brien, Mr. W. S., (86) 994

Pollock, Mr. D., Appointment of,
c. Observations (Lord G. Bentinck), (88) 849; Explanation (Lord G. Bentinck), 875; *l.* Remarks (Lord Lyndhurst), 893; *c.* (Lord G. Bentinck), 936; *l.* Explanation (Lord Lyndhurst), 948, 972; Explanation (Earl of Ripon), 995

POLWARTH, Lord
Corn Importation, Com. *cl.* 1, (87) 563

Poor Employment (Ireland) Bill,
c. 1R.* (88) 845; 2R.* 875; Rep.* 928; 3R.* 953; *l.* 1R.* 948; 2R.* 972; Com. 999; Rep.* 1009; 3R.* 1020; Royal Assent, 1060

Poor Law Commissioners—Supply,
c. (87) 1104; *l.* Returns moved for (Lord Brougham), (88) 648, 703; *c.* Res. (Mr. Hume), 1009; Motion withdrawn, 1016

Poor Laws—Andover Union,
c. Com. moved for (Mr. Etwall), (84) 625; Amend. (Sir J. Graham), 641; Amend. withdrawn, 673; Amend. (Mr. Christie), 674, [A. 92, N. 69, M. 23] 676;—That the Committee have power to Report its Proceedings (Viscount Courtenay), (86) 1409, [A. 16, N. 81, M. 65] 1414;—Question (Mr. Wakley), (88) 1065

Poor Laws—Employment of Paupers—Bone Crushing in Workhouses,
c. Papers moved for (Captain Pechell), (83) 454, 1146; (Mr. Christie), 506; Motion withdrawn, 507;—*Medical Relief,* Question (Mr. Wodehouse), 488;—*Magisterial Oppression,* Question (Mr. Christie), (86) 810;—*Bingley Union,* Question (Mr. Ferrand), 953, 1426;—(Mr. Christie), (87) 378;—*Haydock Lodge Asylum,* Question (Hon. W. O. Stanley), 685;—Commission moved for (Mr. Wakley), (88) 1023; Motion withdrawn, 1056;—Question (Mr. P. Borthwick), 1064

Poor Laws (Ireland),
c. Question (Mr. F. French), (83) 418, 964;—Remarks (Mr. S. Crawford), 727;—*l. Case of Mr. Gulson,* Question (Marquess of Londonderry), 1045;—*Privilege,* (Lord Brougham), (84) 1214, 1271;—*Committee,* Rep. (Earl of Clancarty), (88) 1;—see *Carrickmacross*

Poor, Relief of (Ireland),
l. Com. moved for (Earl of Clancarty), (83) 461

Poor Relief (Scotland),
c. Question (Hon. E. P. Bouverie), (86) 980

Poor Removal Bill,
c. 1R.* (84) 978; 2R.* (86) 7; *c.* Instructions to Committee (Mr. J. E. Denison), (87) 41; Amend. (Mr. T. S. Duncombe), 72, [*o. q.* A. 105, N. 59, M. 46] 98; [*m. q.* A. 92, N. 70, M. 22] 99, 114; Rep.* 196; Com. 1067, 1198, Amend. (Mr. Wodehouse), 1383, [*o. q.* A. 112, N. 36, M. 76] 1394; *cl.* 1, Amend. (Captain Pechell), 1395; Amend. withdrawn, 1400; Rep.* (88) 27; 3R. 205; *add. cl.* (Mr. G. Bankes), 212, [A. 15, N. 62, M. 47] 214; *add. cl.* (Mr. P. Scrope), 215; *cl. neg.* 216; That the Bill do pass, [A. 56, N. 9, M. 47] *ib.*; *l.* 1R.* 224; 2R. 351; 3R.* 747; Royal Assent, 1020

PORTMAN, Lord
Drainage and Ventilation, (87) 938
Gauge of Railways, 2R. (88) 108
Railway Companies Dissolution, 1R. (85) 879
Railways—Trespass, (87) 1377

Ports and Harbours, &c., Bill,
c. 1R.* (88) 707

Postage, Colonial,
c. Question (Mr. Roebuck), (83) 1262

Post Office,
c. Com. moved for (Mr. T. S. Duncombe), (85) 807, [A. 49, N. 92, M. 43] 839;—*Irregularities in,* Question (Hon. Captain Vivian), 1288; (Mr. T. S. Duncombe), (86) 615; (Hon. G. Berkeley), (87) 40;—*Case of Thomas Mitchell,* Address moved (Mr. T. S. Duncombe), (88) 955; Motion withdrawn, 961

Potato Crop, Loss of the (Ireland),
c. Question (Mr. O'Connell), (87) 1383;—*Supply,* (88) 725

Potato Disease, The,
c. Remarks (Mr. Horsman), (83) 1263

Potatoes from Yorkshire,
c. Remarks (Mr. Lawson), (86) 646, 1427

POWELL, Mr. C., *Limerick Co.*
Distress (Ireland), (85) 697
Ireland, State of, (85) 1000
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1175
Orders of the Day, (85) 307
Polling Places (Ireland), Rep. (85) 1141
Protection of Life (Ireland), 1R. (85) 362, 727, 740, 784, 1112, 1117; 2R. (87) 827, 850, 852
Railway Bills (Ireland), (85) 848
Sheffield, Outrage at, (85) 1081

POWIS, Earl of
St. Asaph and Bangor and Manchester Dioceses, (87) 1060; 2R. 1269, 1300; 3R. 1380; That the Bill do pass, 1400
Small Debts, Com. (88) 279

Preston, Liverpool and Ormskirk Railway,
l. Petition (Lord Stanley), (87) 1380

PRICE, Sir R. *Hereford*
Railways—Broad and Narrow Gauge, Resolutions, (87) 611

Print Works Bill,
c. 1R.* (84) 223; 2R.* 379; 3R.* 625; *l.* 1R.* 767; 2R.* 1271; Rep.* 1343; 3R. (85) 1; Royal Assent, (87) 631

Printing Papers,
c. Com. moved for (Sir R. Inglis), (84) 14

Prisons (Ireland) Bill,
c. 1R.* (87) 1229; 2R.* 1302; Rep.* 1404; 3R.* (88) 184; *l.* 1R.* 197; 2R.* 349; Rep.* 598; 3R.* 645; Royal Assent, 844

Pritchard Indemnity, The,
c. Question (Sir C. Napier), (83) 424

Private Bills—Petitions,
c. Resolution (Mr. Greene), (83) 961; Amend. (Mr. Entwisle), *ib.*; [*o. q.* A. 105, N. 63, M. 42] 963; Com. moved for (Mr. Hume), (85) 670; Res. (Mr. Hume), (88) 546

Private Bills Bill,
c. 1R.* (88) 629; 2R.* 707; Rep.* 875, 928; 3R.* 953; *l.* 1R.* 948; 2R.* 972; Rep.* 995; 3R.* 1021; Royal Assent, 1060

Privilege—Interpolated Petition,
c. (83) 460, 486; (Mr. J. O'Connell), (84) 224; *l.* — *Poor Law (Ireland),* Question (Lord Brougham), 1214, 1271;—*Breach of, c.* Observations (Mr. G. Bankes), (86) 815

Prosecutors, Witnesses, &c., Bill,
l. 1R.* (84) 254, 2R. 769

Protection of Life (Ireland),
c. Question (Lord J. Russell), (83) 1394; (Rt. Hon. F. Shaw), (84) 1045, 1125; (Mr. M. Gibson)(85) 76; (Mr. C. Buller, 271; (Lord J. Russell), (86) 1201

Protection of Life (Ireland) Bill,
l. 1R.* (83) 912

Protection of Life (Ireland) (No. 2) Bill,
l. 1R.* (83) 1248; 2R. 1348; Com. (84) 684; *cl.* 13, 694; *cl.* 15, 696; *cl.* 16; Amend. (Earl Grey), *ib.*, [Contents 7, Not-Contents 38, M. 31] 716; Rep. *cl.* 1; Amend. (Lord Chancellor), 840; *cl.* 16, 843; 976; 3R. 977; *c.* Orders of the Day, Amend. (Sir W. Somerville), (85) 288, [*o. q.* A. 147, N. 108, M. 39] 331; 1R. 333; Adj. (Mr. D. Browne), 360, [A. 32, N. 98, M. 66] 364; Adj. Debate, 372; Amend. (Mr. O'Connell), 492, 609; Amend. Adj. (Mr. J. O'Brien), [A. 74, N. 120, M. 46] 649, 703; Amend. Adj. (Mr. J. O'Connell), 778, [A. 20, N. 77, M. 57] 783; Amend. Adj. (Mr. E. B. Roche), 784; Amend. withdrawn, 787, 1022, 1084, 1352, [A. 274, N. 125, M. 149] 1406; 2R. Amend. (Sir W. Somerville), (87) 129;—Adj. Debate, 382; (Explanation, 480), 482, 637, 818, 966, [*o. q.* A. 219, N. 292, M. 73] 1027

Protests,
Railway Legislation, (85) 1411;—*Corn Importation,* (87) 961, 1130;—*Sugar Duties,* (88) 545, 674;—*Joint Stock Banks (Scotland and Ireland),* 705;—*Constabulary (Ireland),* 1021

PROTHEROE, Mr. E., *Halifax*
Arms (Ireland), 2R. (88) 586
Gauge of Railways, Com. (88) 370
Post Office, Com. moved for, (85) 828;—Case of Thomas Mitchell, Address moved, (88) 957
Records, Public, Com. moved for, (87) 907
Supply—Houses of Parliament, (85) 1208;—Buckingham Palace, (88) 727

Public Business,
c. Remarks (Mr. A. S. O'Brien) (84) 1121

Public Department—Supply,
c. (86) 1207

Public Institutions, Admission to, on Sundays,
c. Motion (Mr. Hume), (88) 717; Motion withdrawn, 725

Public Works (Ireland) Bill,
c. Leave, (83) 163; 1R.* 164; Com. 183; 2R. 332; Com. 420; Rep. 432; *cl.* 5, Amend. (Sir R. Ferguson), 433, [*o. q.* A. 97, N. 3, M. 94] 434; 3R.* 440; *l.* 1R.* 461; 2R. 528

Public Works (Ireland) (No. 2) Bill,
c. 1R.* (84) 115; 2R.* *ib.*; Rep.* 223; 3R.* *ib. l.* 1R.* 254; 2R.* 473; 3R.* *ib.*; Royal Assent, 623

Public Works (Ireland) (No. 3) Bill,
c. 1R.* (88) 545; 2R.* 622; Rep.* 707; 3R.* 737; *l.* 1R.* 747; 2R.* 893; Rep.* 925; 3R.* 948; Royal Assent, 1020

Public Works (Ireland) (No. 4) Bill,
c. 1R.* (88) 845, 2R.* 875; Rep.* 928; 3R.* 963; *l.* 1R.* 948; 2R.* 972; Rep.* 995; 3R.* 1020; Royal Assent, 1060

Public Works (Ireland) (No. 5) Bill,
ib. *ib.* *ib.*

Public Works Commissioners (Ireland) Bill,
c. 1R.* (88) 463; 2R.* 622; Rep.* 707; 3R.* 737; *l.* 1R.* 747; 2R.* 893; Rep.* 925; 3R.* 948; Royal Assent, 1020

Public Works and Fisheries Bill,
c. 1R.* (88) 463; 2R.* 622; Rep.* 677; 3R.* 707; *l.* 1R.* 747; 2R.* 844; Rep.* 925; 3R.* 948; Royal Assent, 1020

Public Works, Fisheries, &c. Bill,
c, 1R.* (88) 545; 2R.* 622; Rep.* 707; 3R.* 737; *l.* 1R.* 747; 2R.* 893; Rep.* 925; 3R.* 948; Royal Assent, 1020

Public Works—Loans (Ireland),
c. Question (Sir H. W. Barron), (83) 638

Quarantine Laws,
c. Address moved (Dr. Bowring), (86) 877; Question (Captain Layard, (88) 359

QUEEN, THE, ACCOUCHEMENT OF,
l. Address moved (Duke of Wellington) (86) 1084; *c.* (Sir R. Peel), 1197; Answer to Address, (87) 1032

QUEEN'S SPEECH, THE — MEETING OF PARLIAMENT,
l. (83) 1; PROROGATION OF, (88) 1061

RADNOR, Earl of
Address in Answer to the Speech, (83) 43, 47, 48
Baths and Washhouses, (88) 104
Bishopstown Chapel—The Bishop of Exeter, (88) 331
Corn Importation, Com. (87) 249, 252, 253
Customs Duties, Com.—Hops, (87) 879
Flogging in the Army, (88) 599
Ministerial Explanations, (88) 176
Protest againit the Corn Importation Bill, (87) 1137, 1221
Railway Companies Dissolution, Com. (85) 1334
Railway Legislation, Resolutions, (85) 1064

Railway Bills,
l. Res. (Lord Redesdale), (86) 171; *c.* Question (Sir J. Easthope), 538; *l.* Com. moved for, (Earl of Clarendon), (88) 197; Rep. 228

Railway Bills (Ireland),
c. Instruction to Committee (The O'Conor Don), (83) 1255; Motion withdrawn, 1261; Resolutions (Mr. W. S. O'Brien), (85) 840, [A. 25, N. 69, M. 44] 851; Question, (Sir H. W. Barron), (86) 7

Railway Commissioners Bill,
c. Leave, (88) 891; 1R.* 893; 2R.* 908; Com. Amend. (Col. Sibthorp), 929, [A. 64, N. 0, M. 64] 935; *cl.* 1, *ib.*; Rep.* 953; 3R.* 977; *l.* 1R.* 972; 2R.* 995; 3R. 1020, 1057; Royal Assent, 1060

Railway Companies Bill,
c. 1R.* (85) 1152

Railway Companies Dissolution Bill,
l. 1R. (85) 867; 2R. 1149; Com. 1334; Rep. (86) 2; 3R.* 94; *c.* 1R.* 219; 2R.* 416; Com. *cl.* 11, 911; Rep.* (87) 196; 3R.* 374; *l.* Royal Assent, 1061

Railway Deposits,
Question (Lord J. Russell), (83 131;—Complaint (Mr. Hastie), 371;—Com. moved for (Sir R. Peel), 188; Com. appointed, 223;—*l.* Question (Marquess of Clanricarde), 235;—*c.* Resolutions (Mr. Gisborne), 329; Res. neg. 332;—*l.* Com. moved for (Earl of Dalhousie), 353;—Returns moved for (Lord Kinnaird), 421;—Standing Orders, *add. res.* (Earl of Dalhousie), 509, 832; Report of Select Com. (Earl of Dalhousie), 509, 742; *c.* (Lord G. Somerset), 518, 749; Classification Committee, 753; Report of Sub-Committee—Petitions, 834, 961

Railway Deposits Bill,
c. Leave, (83) 1144; 1R.* (84) 716; 2R. (85) 381; Rep.* 492, 702; 3R.* 852; *l.* 1R.* 967; 2R.* 1334; 3R.* (86) 167; Royal Assent, (87) 631

Railway Labourers,
c. Com. moved for (Hon. E. P. Bouverie), (85) 1323

Railway Legislation,
l. Com. moved for (Lord Kinnaird), (85) 279;—Observations (Earl of Dalhousie), 652;—*c.* Resolution (Lord G. Somerset), 668;—Question (Mr. Labouchere), 700;—*l.* Resolution (Earl of Dalhousie), 786, 1050;—*c.* (Sir R. Peel), 892; *add. res.* (Mr. T. S. Duncombe), 945;—*l.* Returns moved for, (Earl Fitzwilliam), 1142;—*c.* *add. cl.* (Mr. Hudson), 1325;—*l.* Protest (Earl of Radnor), 1411;—*c.* *add. cl.* (Mr. Hudson), (86) 220; Motion withdrawn, 223;—*l.* Res. (Earl of Fitzwilliam), (87) 32; Res. withdrawn, 39;—*c.* Question (Mr. Horsman), (88) 245; (Mr. Williams), 623;—Res. (Mr. Morrison), 845

Railway Parcels,
l. Petition (Lord Lyttelton) (88) 697

Railway Projects,
c. Question (Viscount Sandon), (85) 590

Railway Stations (Ireland),
l. Petition (Marquess of Lansdowne), (85) 366

Railway Termini in the Metropolis,
c. Commission moved for (Mr. W. Patten), (84) 1221; Observations (Sir R. Peel), 1283

Railway Travelling on Sundays,
l. Observations (Bishop of London), (87) 27

Railways—Gauge Commission,
l. Question (Lord Kinnaird), (84) 5;—*c.* *Amalgamation of,* Question (Mr. W. Patten), 779; Com. moved for, 1420; Com. moved for (Mr. Morrison), 1229;—*Broad and Narrow Gauge,* Resolution 1, (Sir G. Clerk), (87) 595; Res. 2, Amend. (Sir R. Peel), 613; Res. 3, 614; Adj. Debate, 631; Res. 4, 632 [A. 67, N. 14, M. 63] 634; Res. 5, *ib.*;—*l.* Res. (Earl of Dalhousie), 1223

Railways, Gauge of, Bill,
l. 1R.* (87) 1400; 2R. (88) 105; Com. 201; 3R.* 224; *c.* 1R.* 282; 2R* 343; Com. 368; 3R. *add. cl.* (Mr. Muntz), 638, [A. 15, N. 46, M. 31] 643; *l.* Royal Assent, 844

Railways—Trespass,
l. Petition (Duke of Wellington), (87) 1375;—see *Ayrshire and Galloway—Central (Scotland)—London and York—Preston*

RANFURLY, Earl of
Contagious Diseases, Com. (88) 927

RASHLEIGH, Mr. W., *Cornwall, E.*
Corn Importation, 2R. (85) 41
Protection of Life (Ireland), 2R. (87) 1026

Rateable Property (Ireland) Bill,
c. Leave, (87) 1032; 1R.* *ib.*; 2R.* 1160; Rep.* (88) 282, 750; 3R.* 845; *l.* 1R.* 893; 2R.* 948; Rep.* 972; 3R.* 995; Royal Assent, 1060

Rating of Tenements,
c. 1R.* (85) 7; 2R. (87) 629

RAWDON, Colonel J. D., *Armagh City*
Carrickmacross, Poor Law Union of, (87) 40
Fever (Ireland), Com. (84) 1211
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1192
Orders of the Day, (85) 324, 325
Protection of Life (Ireland), 1R. (85) 348; Amend. 612, 1397
Railway Bills (Ireland), (85) 851

Real Property, Burdens on,
l. Com. moved for (Lord Beaumont), (83) 517

Real Property Commission.
c. Address moved (Viscount Ebrington), (86) 968; House counted out, *ib.*

Real Property Conveyance Bill,
l. 1R. (85) 145; 2R.* (86) 414; 3R.* (87) 666; *c.* 1R.* 909

Real Property Deeds Registration Bill,
l. 1R.* (83) 164

Real Property Management (Ireland), Bill,
c. 1R.* (88) 750

Records, Public,
- *c.* Com. moved for (Mr. C. Buller), (87) 905

REDEDSDALE, Lord
- Anti-Corn-Law League, Proceedings of the, (83) 1148
- Corn Importation, Com. Res. (87) 773
- Corn Laws, The, (84) 480
- Corporal Punishment in the Army, (88) 695
- Customs Duties, Com. (87) 785
- Gauge of Railways, 2R. (88) 106; Com. 202
- Lieutenancies, County (Ireland), Correspondence moved for, (86) 120
- Maynooth College, (88) 747
- Parliament, New Houses of, Address moved, (85) 370, 976; (87) 1034
- Poor Removal, 2R. (88) 353, 358
- Preston, Liverpool and Ormskirk Railway, (87) 1381
- Protection of Life (Ireland), Com. *cl.* 16, (84) 715
- Protests against the Corn Importation Bill, (87) 1220
- Railway Bills, Opposed, Res. (86) 172; Com. moved for, (88) 200, 201
- Railway Companies Dissolution, Com. (85) 1349; Rep. (86) 5
- Railway Legislation, Com. moved for, (85) 286; Resolutions, (85) 1063; (87) 39
- Railways, Com. moved for, (83) 366;—Broad and Narrow Gauge, Res. (87) 1227

REDINGTON, Mr. T. N., *Dundalk*
- Protection of Life (Ireland), 2R. (87) 402, 427
- Roman Catholic Relief, Com. (87) 929

Registration of Births (Ireland) Bill,
- *c.* 1R.* (88) 750

Registration of Deeds (Ireland) Bill,
- *c.* 1R.* (88) 750

REID, Sir J. R., *Dover*
- Commercial Policy—Corn Laws, Rep. (84) 802
- Customs Duties—Rum, (88) 575
- Sugar Duties, (88) 126, 260; 3R. 465

REID, Colonel G. A., *Windsor*
- Army, Claims of the, Com. moved for, (88) 889
- Corporal Punishment in the Army, (88) 418

Reily, Case of,
- *c.* Address moved for (Mr., W. S. O'Brien), (85) 480

Religious Opinions Relief,
- *l.* 1R. (83) 439; 2R. (85) 1252; Questions for the Judges (Bishop of Exeter) (86) 300; Motion withdrawn, 327; Question (Lord Campbell), 415; Com. 581, (87) 1378; 3R.* (88) 197; *c.* 1R.* 282; 2R. 360, [A. 79, N. 10, M. 69] 365; Com. 630; *cl.* 3, Amend. (Mr. Escott), 632, [A. 10, N. 53, M. 43] 633; Rep.* 638; 3R.* 677; *l.* Royal Assent, 844

Religious Persecution in Russia,
- *c.* Papers moved for (Hon. W. F. Cowper), (84) 677; *l.* Questions (Lord Kinnaird), (83) 634; (Marquess of Londonderry), (84) 767

RENDLESHAM, Lord, *Suffolk, E.*
- Corn Importation, 2R. (85) 98

REPTON, Mr. G. W. J., *St. Alban's*
- Commercial Policy — Straw Plait, (84) 1066, 1068

Requests, Courts of,
- *c.* Question (Mr. Kemble), (83) 460

Resignation of Ministers,
- *l.* (87) 1039; *c.* 1040

Resignations, Recent—The Chiltern Hundreds,
- *c.* Returns moved for (Mr. G. Bankes), (83) 502

Retiring Allowances for Naval Officers,
- *c.* Question (Adm. Dundas), (83) 183;—*For Staff Officers* (Capt. Layard), 754; (Sir C. Napier), (85) 673; Remarks (Sir C. Napier), (86) 1424;—*Supply.* (88) 838

RICARDO, Mr. J. L., *Stoke-upon-Trent*
- Railway Projects, (85) 608
- Railways, Com. moved for, (83) 208;—Deposits, 376
- Sugar Duties, (87) 1336

RICE, Mr. E. R., *Dover*
- Poor Removal, Instruction to Committee, (87) 52

RICE, Mr. H., *Richmond*
- Protection of Life (Ireland), 1R. (85) 1138
- Windsor, Dean of, (87) 809

RICHMOND, Duke of
- Address in Answer to the Speech, (83) 19, 24
- Bunbury, Colonel—Army in India, (84) 623
- Burdens on Land, Com. moved for, (83) 936, 942, 1044
- Burghs (Scotland), Com. *add. cl.* (86) 175
- Canada, Despatches from, (87) 669
- Cheshire Agricultural Society, (87) 230, 439
- Corn Importation, 1R. (86) 728, 731, 732; 2R. 1095; Amend. 1100, 1126, 1269, 1270, 1291, 1373, 1379, 1387; Com. (87) 252, 309, 323, 324, 344, 369, 542; *add. cl.* 669, 683; 3R. Amend. 956
- Corn Laws, The, (83) 164, 234, 337, 339, 340, 352; (84) 476; Returns moved for, (86) 169
- Customs Duties, 1R. (86) 862, 869; 2R. Amend. (87) 18, 19; Com. 775, 781, 786, 800; *cl.* 6, 808;—Hops, 874, 876, 878;—Lace, 879, 882;—Silk, Amend. 883, 884; 3R. Amend. 959, 961
- Fishery Piers and Harbours (Ireland), 2R. (84) 11
- Game Laws, 2R. (84) 13
- Hardinge's, Viscount, and Lord Gough's Annuities, Com. (87) 30; *cl.* 3, Amend. 31, 540, 1144, 1160; 3R. 1221
- India, War in, (84) 110
- Ireland, State of, Address moved, (84) 1414;—Crime in, Returns moved for, (86) 979
- Lieutenancies, County (Ireland), Correspondence moved for, (86) 119
- Ministerial Explanation, (84) 165, 178, 179
- Poor Removal, 2R. (88) 352, 355
- Prosecutors, Witnesses, &c., 2R. (84) 775
- Protection of Life (Ireland), Rep. *cl.* 1, (84) 842
- Railway Companies Dissolution, 1R. (85) 882

RICHMOND, Duke of—*continued.*
Railway Legislation, Resolutions, (85) 1059; (87) 38
Sutlej, Campaign on the, Thanks to the Army, (84) 375
Van Diemen's Land—Penal Settlements, (84) 491
Western Australia, 2R. (86) 171

Richmond, Duke of, and the Church of Scotland,
c. Observations (Rt. Hon. F. Maule), (87) 376

RIPON, Earl of
Bunbury, Colonel—Army in India, Reply, (84) 624
Corn Importation, 1R. (86) 733; 2R. 1084, 1095, 1097; Com. (87) 231; *cl.* 1, 454, 541, 543, 544; *add. cl.* 673; 3R. 939, 943
Customs Duties, Com. (87) 801;—Hops, 878
Explanation, (88) 995
Hardinge, Viscount, and Lord Gough, Pensions to, Message from the Queen, (85) 1149; Address, (86) 94; (87) 29, 30; Com. *cl.* 3, 31, 539, 540, 1147
India, War in, (84) 110
Pollock, Mr. D., Appointment of, (88) 995
Sattara, Rajah of, (86) 218
Sutlej, Campaign on the, Thanks to the Army, (84) 354; (85) 412, 435, 572

Ripon, Earl of—Explanation,
l. (88) 995

ROCHE, Mr. E. B., *Cork Co.*
Colleges, New (Ireland), (85) 789
Ireland, State of, (85) 994, 999
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1166, 1197, Amend. 1291, 1293, 1294, 1351
Protection of Life (Ireland), 1R. (85) 718, 726; Amend. Adj. (85) 784, 786, 1391
Railway Bills (Ireland), (85) 850
Waste Lands (Ireland), Leave, (85) 1209

RODEN, Earl of
Distress in Ireland, (88) 1057
Protection of Life (Ireland), Com. *cl.* 13, (84) 694
Public Works (Ireland), 2R. (83) 536

ROEBUCK, Mr. J. A., *Bath*
Canada—Commercial Policy of Government, Address moved, (86) 562, 563, 568
Channel Islands, The, (86) 176
Colonial Postage, (83) 1262
Commercial Policy—Corn Laws, Com. moved for, (83) 821; (84) 81
Corn Importation, Rep. (86) 273; 3R. 636
Factories, Leave, (83) 404
Ferrand, Mr., his Speech, (84) 115, 241
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 19
Peel, Sir R., his Explanation, (87) 727
Protection of Life (Ireland), 2R. (87) 834, 997

Rogers, Mr., Appointment of—Colonial Office,
c. Observations (Mr. V. Smith), (86) 1420; (88) 366

ROLLESTON, Col. L., *Nottinghamshire,*
Commercial Policy—Cotton, (84) 1036
Lace Factories, 2R. (86) 926

Roman Catholic Relief Bill,
c. Leave, (83) 495; 1R.* 502; 2R. (84) 935, Amend. (Sir R. H. Inglis), 940, [*o. q.* A. 66, N. 23, M. 43] 973; Com. Amend. (Mr. Colquhoun), (86) 141, [*o. q.* A. 110, N. 67, M. 43] 160; *cl.* 1, 162; Amend. (Hon. E. Law), 163; Amend. Withdrawn, 166; Amend. (Sir R. H. Inglis), (87) 917, [A. 120, N. 80, M. 40] 935

ROMILLY, Mr. J., *Bridport*
Bridport Election, (86) 899
Fees in Courts of Law and Equity, Com. moved for, (86) 211
Small Debts, Com. (88) 918; *cl.* 9, 922

Ropemakers Bill,
c. 1R.* (86) 538; 2R.* 1408; Rep.* (87) 39; 3R.* 480; *l.* 1R.* 539; 2R.* 1064; 3R.* 1220; Royal Assent, (88) 274

ROSEBERY, Earl of
Railway Companies Dissolution, 1R. (85) 886

ROSS, Mr. D. R., *Belfast*
Adjournment—Martyrdom Charles 1st., (83) 368, 369
Commercial Policy—Corn Laws, Com. moved for, (84) 121
Dismissed Magistrates (Ireland), (88) 203
Fishery Piers and Harbours (Ireland), Leave, (83) 436
Protection of Life (Ireland), 2R. Adj. (87) 190, 382, 416; Explanation, 480
Railways, Report of Select Committee, (83) 523
Roman Catholic Relief, Com. (87) 921

ROUS, Hon. Captain H. J., *Westminster*
Commercial Policy—Corn Laws, Com. moved for, (83) 297

Rum—Customs Duties,
c. Com. (88) 566

RUSSELL, Rt. Hon. Lord J., *London*
Address in Answer to the Speech, (83) 95; Report, 152
Arms (Ireland), 2R. (88) 588, 594, 596; Withdrawal of, 753
Army, Claims of the, Com. moved for, (88) 884
British Possessions, Com. (88) 682; 3R. 739
Buenos Ayres and Monte Video, (83) 370, 1189; (84) 1437
Business of the House, (87) 1162, 1175, 1188
Church of Ireland, (84) 101
Colonial Office—Appointment of Mr. Rogers, (88) 366
Colonies, The—Representative Governments in, (88) 716
Commercial Policy—Corn Laws, Com. moved for, (83) 287, 493, 601, 625, 1007; (84) 217, 724, 765, 827, 829, 830
Corn Importation, (84) 1280; Com. (86) 36, 74; 3R. 677
Corn Laws, Total Repeal of the, (84) 457, 470
Corporal Punishment in the Army, (88) 243, 244, 374, 411, 462; Returns moved for, 690, 758

RUSSELL, Rt. Hon. Lord J.—*continued.*
Cunard's Line—Communication with the United States, Papers moved for, (87) 482
Customs Duties—Rum, (88) 574
Destitute Poor (Ireland), 2R. (85) 406
Education of the People, (87) 1251
Estimates, The, (87) 1099, 1101
Factories, 2R. (86) 1069, 1079
Famine and Disease in Ireland, Com. moved for, (83) 1085
Fever (Ireland), Leave, (84) 996; Com. 1183
Frost, Williams, and Jones, Address moved, (84) 918
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 17, 35
Ireland, Legislative Measures for, (88); 464;—Measures of Relief for, 766, 799
Lace Factories, 2R. (86) 946
Landlord and Tenant (Ireland), (88) 283
Lichfield Free School, (85) 4
Magistrates, Appointment of, (88) 762
Orders of the Day, (85) 315
Oregon Territory, The, (84) 1279
Peel, Sir R., his Explanation, (87) 732
Poor Laws, (88) 1065
Poor Removal, Instruction to Committee, (87) 44, 92, 120; Com. 1069
Post Office, The—Case of Thomas Mitchell, Address moved, (68) 958
Protection of Life (Ireland), (83) 1394; 1R. (85) 364, 547, 558; (86) 1201; 2R. (87) 193, 496, 837, 838, 859
Public Institutions, Admission to, on Sundays, (88) 720
Queen, Accouchement of the, Address moved, (86) 1197
Railway Commissioners, Com. (88) 933
Railway Deposits, (88) 131, 133; Com. moved for, 204; 2R (85) 382
Railway Legislation, (88) 623
Railways, Com. moved for, (84) 1263
Religious Opinions Relief, 2R. (88) 360; Com. 631; *cl.* 3, 633, 635
Roman Catholic Relief, Leave, (83) 501; 2R. (84) 971; Com. (86) 152, 158; *cl.* 1, 163
St. Asaph and Bangor, Sees of, (88) 285, 286
Sale, Lady, Provision for, (88) 751
Sessional Orders, Amend. (83) 130
Small Debts, Com. *cl.* 9, (83) 923
Spain, Trade with, (83) 490
Sugar Duties, The, (83) 452; (87) 816; Res. 1304, 1326, 1337; (88) 170, 267; Rep. 287
Supply, (86) 1204; —Ecclesiastical Commissioners, (87) 1103, 1104;—New Zealand, 1266;—Buckingham Palace, (88) 731
Sutlej, Campaign on the, Thanks to the Army, (84) 400; (85) 453
Waste Lands (Ireland), (88) 346
West Indies, Labourers for the, (88) 628

RUSSELL, Mr. C., *Reading*
Railways, Com. moved for, (83) 203;—Broad and Narrow Gauge, Resolutions, (87) 607
Sutlej, Campaign on the, Thanks to the Army, (85) 450

Russia and Turkey, Treaty between,
c. Question (Dr. Bowring), (86) 1423

Russia, Religious Persecution in,
l. Question (Lord Kinnaird), (83) 634; *c.* Papers moved for (Hon. W. F. Cowper), (84) 677; *l.* Question (Marquess of Londonderry), 767

RUTHERFURD, Rt. Hon. A., *Leith, &c.*
Ayrshire and Galloway Railway, Report, (83) 543
Friendly Societies, Rep. *cl.* 1, (85) 854
Railway Projects, (85) 607
(*See also* ADVOCATE, The LORD)

Ryan, Mr., His Letters,
c. Papers moved for (Mr. O'Connell), (85) 482

St. Asaph and Bangor Dioceses Bill,
l. 1R.* (86) 1290

St. Asaph and Bangor and Manchester Dioceses (No. 2) Bill,
l. 1R.* (87) 1033, 1060; 2R. 1269, [Contents 38, Not-Contents 28, M. 10] 1301; Rep.* 1355; 3R. 1380; That the Bill do pass, *ib.*; Adj. Debate, 1400; *c.* 1R.* 1404; Question (Viscount Clive), (88) 285; Bill withdrawn, 286

ST. DAVID'S, Bishop of
Corn Importation, Com. (87) 303, 318; Explanation, 445, 450
Education in Wales, (86) 859
Religious Opinions Relief, Com. (86) 595

ST. GERMANS, Earl of
Clerks of the Crown (Ireland), Returns moved for, (86) 579, 580
Crime in Ireland, Returns moved for, (83) 747
Drainage (Ireland), Com. (84) 221, 222, 223
Ejectments of Tenantry (Ireland), Returns moved for, (85) 276
Fever (Ireland) Bill, (85) 75
Fishery Piers and Harbours (Ireland), (84) 2R. 10
Gulson, Mr., Case of, (83) 1047
Hardinge's, Viscount, Annuity, Com. *cl.* 3, (87) 31
Ireland, State of, Address moved, (84) 1415;—Crime in, Returns moved for, (86) 970, 974, 977
Lieutenancies, County (Ireland), Correspondence moved for, (86) 110, 115, 119
Ministers' Money (Ireland), (83) 1251
Poor Law (Ireland)—Privilege, (84) 1215
Poor Removal, 2R. (88) 354
Prosecutors, Witnesses, &c., 2R. (84) 774, 775, 777
Protection of Life (Ireland), 2R. (83) 1348; Com. (84) 684; *cl.* 16, 705, 716; Rep. *cl.* 1, 841, 842, 976; 3R. 977, 978
Public Works (Ireland), 2R. (83) 528, 540
Seery, Bryan, Execution of, (84) 2, 113
Small Debts Bill, (88) 228

Salaries of the Chief Justices,
l. Observations (Lord Brougham), (87) 1116

Sale, Lady, Provision for,
c. Question (Sir De Lacy Evans), (88) 751

SALISBURY, Marquess of
Address in Answer to the Speech, (83) 48, 49
Charitable Trusts, (85) 152
Cholera, The Asiatic, (88) 228
Corn Laws, The, (84) 476
Customs Duties, Com. (87) 805
Poor Removal, 2R. (88) 353, 356

SALISBURY, Bishop of
Charitable Trusts, 2R. (86) 799
Corn Importation, Explanation, (87) 447
St. Asaph and Bangor and Manchester Dioceses, 2R. (87) 1286
Wokingham Church and Parish, (87) 112

Salmon Fisheries Bill,
c. 1R.* (83) 960; 2R.* (84) 929; *c.* Rep.* (86) 175

SANDON, Viscount, *Liverpool*
Cheltenham Petition, The, Instruction, (84) 514
Commercial Policy—Corn Laws, Com. moved for, (83) 596
Death by Accident Compensation, Com. (87) 1369
Education of the People, (87) 1243, 1248, 1250
Lichfield Free Grammar School, Papers moved for, (85) 379
Peel, Sir R., his Explanation, (87) 747
Railway Bills, (85) 941
Railway Projects, (85) 590, 608
Railways—Broad and Narrow Gauge, Resolutions, (87) 633
Sugar Duties, (87) 1337; (88) 81
Tea, Duty on, Correspondence moved for, (85) 589

Sattara, Rajah of,
l. Petition (Lord Beaumont), (86) 218

SCARBOROUGH, Earl of
Gauge of Railways, 2R. (88) 105

School of Design—Supply, c. (87) 1262

Schoolmasters' Widows Fund (Scotland) Bill,
c. 1R.* (84) 1220

Scinde, Province of,
c. Question (Mr. Hume), (87) 1161

Scotland,
See *Ayrshire Railway—Burghs—Central Railway—Church—Citations—Crown Charters—Entailed Lands—Joint Stock Banks—Law, Courts of—Poor Relief—Schoolmasters' Widows—Service of Heirs—Sites for Places of Worship—Turnpike Roads*

SCOTT, Hon. F., *Roxburghshire*
Commercial Policy—Corn Laws, Com. moved for, (83) 303, 856, 859
Corn Importation, Com. *cl.* 1, (86) 140; 3R. 449
Railways—Broad and Narrow Gauge, Resolutions, (87) 611
Turnpike Roads (Scotland), 2R. (84) 1342
Waste Lands (Australia), Com. (88) 962, 971

SCOTT, Mr. R., *Walsall*
Mexican Government, Conduct of the, Address moved, (84) 926

Scott, William, Petition of—The Factory Act,
c. Com. moved for (Mr. T. S. Duncombe) (85) 470

SCROPE, Mr. G. P., *Stroud*
Commercial Policy—Corn Laws, Com. moved for, (83) 1273; Rep. (84) 798;—Foreign Books, 812
Destitute Poor (Ireland), 2R. (85) 383, 398, 399, 400, 401, 412
Distress (Ireland), (85) 699
Famine (Ireland), (84) 979
Fever (Ireland), Leave, (84) 1002, 1009, 1048; Com. Amend. 1167, 1176, 1179, 1180, 1214
Game Laws—Silvester's Case, (86) 814
Ireland, State of, (85) 1007;—Distress in, (86) 912
Landlord and Tenant (Ireland), Leave, (87) 293
Poor Removal, Com. (87) 1214, 1386; *cl.* 1, 1399; 3R. (88) 210; *add. cl.* 215
Protection of Life (Ireland), 1R. (85) 633; 2R. (87) 387
Provisions for Ireland, (88) 31
Railway Bills (Ireland), (83) 1260
Railways, Com. moved for, (83) 215
Taylor, Sir C., Charges against, (87) 124
Tenant Rights (Ireland), (85) 793
Tenements, Rating of, 2R. (87) 629
Waste Lands (Ireland), (85) 1198; (88) 346
Waterford, Marquess of—Alleged Evictions (Ireland), (85) 1076

Seery, Bryan, Execution of, at Mullingar,
c. Question (Mr. O'Connell), (83) 1392; *l.* Question (Marquess of Westmeath), (84) 110; *c.* Explanation (Sir J. Graham), 104

Select Vestries Bill, l. 1R.* (83) 1

SELKIRK, Earl of
Corn Importation, 3R. (87) 956

Service of Heirs (Scotland) Bill,
c. 1R.* (86) 538; 2R.* 1408; Rep.* (87) 909; 3R.* 1161; *l.* 1R.* 1220

Sessional Orders,
c. (83) 127; Amend. (Lord J. Russell), 130; Res. (Mr. Cardwell), 231

Settlement, Law of,
c. Question (Mr. Wodehouse), (83) 1166; Com. moved for (Mr. G. Bankes), (85) 77; Motion withdrawn, 89

SEYMER, Mr. H. K., *Dorsetshire*
Commercial Policy—Corn Laws, Com. moved for, (84) 184, 187
Corn Importation, 3R. (86) 455
Protection of Life (Ireland), 1R. (85) 561; 2R. (87) 823

SEYMOUR, Lord, *Totness*
Arms (Ireland), 2R. (88) 593
Colonial Tariffs, Copies moved for, (83) 640, 755
Roman Catholic Relief, Com. (87) 929

SHAFTESBURY, Earl of
Address in Answer to the Speech, (83) 19
Committees, Chairman of, (83) 50
London and York Railway, (84) 1273

Shannon, Navigation of the,
c. Question (Mr. F. French), (88) 547

Shannon Navigation Bill,
c. 1R.* (87) 1160; 2R.* 1302; Rep.* (88) 27; 3R.* 184

SHAW, Right Hon. F., *Dublin University*
Arms (Ireland), 2R. (88) 579
Commercial Policy—Corn Laws, Com. moved for, (83) 1228
Corn Importation, 2R. (85) 49, 63, 171, 176
Famine and Distress in Ireland, Com. moved for, (83) 1075, 1113
Fever (Ireland), Leave, (84) 994, 999, 1000; Com. 1202
Landlord and Tenant (Ireland), Leave, (87) 292
O'Brien, Mr. W. S.—Motion for Liberation of, (86) 1198
Orders of the Day, (85) 299, 300, 305
Poor Law (Ireland), (83) 731
Protection of Life (Ireland), (84) 1045, 1125; 2R. (87) 407, 417
Public Institutions, Admissions to, on Sundays, (88) 722
Religious Opinions Relief, Com. (88) 632; *cl.* 3, 635, 637

Sheffield, Outrage at,
c. Question (Mr. C. Powell), (85) 1081

SHEIL, Right Hon. R. L., *Dungarvon*
Constabulary (Ireland), 3R. (88) 954
Protection of Life (Ireland), 2R. (87) 153, 654, 655, 850, 1000
Religious Opinions Relief, Com. (88) 636, 637

SHERIDAN, Mr. R. B., *Shaftesbury*
Corn Importation, 3R. (86) 344

Shetland, Distress in,
c. Observations (Mr. Forster), (85) 1216

Shore, Case of the Rev. Mr.,
l. Petition (Lord Brougham), (87) 869

SIBTHORP, Col. C. D. W., *Lincoln*
Address in Answer to the Speech, (83) 126
Andover Union, The, Com. moved for, (84) 674
Commercial Policy—Corn Laws, Com. moved for, (83) 309, 826; (84) 217, 754, 757, 758, 766; Rep. 795;—Foreign Books, 820;—Cattle, 1140
Constabulary (Ireland), Payment of the, Leave, (88) 371
Corn Laws, Total Repeal of the, (84) 431, 569; 2R. (85) 122, 237, 238; Com. *cl.* 1, (86) 92
Corporal Punishment in the Army, (88) 459
County Elections, 2R. (85) 864
Customs Duties, Com. (86) 854
Danish Claims, Com. moved for, (85) 1321; Com. (87) 205
Distress (Ireland), (85) 700
Enlistment in the Army, Address moved, (88) 314
Episcopal Revenues, (88) 346
Hardinge's, Viscount, Annuity, Com (86) 857
Parliamentary Electors and Freemen, 2R. (87) 915
Poor Removal, Instruction to Committee, (87) 102

SIBTHORP, Colonel—*continued.*
Protection of Life (Ireland), 1R. (85) 1402; 2R. (87) 495
Public Works (Ireland), Com. (83) 184
Railway Commissioners, Com. Amend. (88) 929; *cl.* 1, 935
Railways, Com. moved for, (83) 199
Religious Opinions Relief, 2R. Amend. (88) 363
Roman Catholic Relief, 2R. (84) 791; Com. *cl.* 1, (86) 162
Sunday Trading, 1R. (88) 598
Vacancies in Government Offices, (84) 225, 228

Silk—Customs Duties,
l. (87) 883, [Contents 75, Not-Contents 50, M. 25] 903

Silk Duties,
c. Remarks (Right Hon. E. Ellice), (83) 493

Silk Manufactures—The Tariff,
c. Amend. (Mr. G. Bankes), (84) 1068, [*o. q.* A. 220, N. 114, M. 106] 1110, 1126

Silvester's Case—Game Laws,
c. Question (Mr. J. Collett), (86) 329, 811, 958

Sites for Dwellings (No. 1) Bill,
c. Leave, (88) 347; 1R.* 349; Bill withdrawn, 463

Sites for Dwellings (No. 2) Bill,
ib. *ib.* *ib.*

Sites for Places of Worship (Scotland) Bill,
c. Leave, (86) 872; 1R.* 912; 2R. (87) 207; Order for 2R. discharged, 1036;—*l.* Petition (Marquess of Breadalbane), 1355;—see *Church of Scotland*

Slave Trade (Brazil),
c. Question (Mr. Hutt), (83) 491

Small Debts Bill,
l. 1R.* (87) 438; 2R. (88) 109; Observations (Lord Brougham), 227; Com. 279; *cl.* 8, 280; 3R.* 349; c. 1R.* 358; 2R.* 622; Rep.* 845; Com. 909; *cl.* 9, 919; Amend. (Mr. Wakley), [A. 16, N. 53, M. 37] 924; (Col. Wood), [A. 12, N. 57, M. 45] 925; *cl.* 19, 947; Rep.* 977; 3R. 1020;—*l.* Petition (Earl of Ellenborough), 1056; Commons Amends. 1057; Royal Assent, 1060

SMITH, Right Hon. R. V., *Northampton*
Colonial Office—Appointment of Mr. Rogers, (86) 1420; (88) 366
Corn Importation, 3R. (86) 647
Highways, (87) 1067
Ireland, State of, (85) 992
Malta, Carnival at, (88) 324
Poor Removal, Instruction to Committee, (87) 67; Com. 1210, 1394; *cl.* 1, 1396; 3R. (88) 205
Protection of Life (Ireland), 1R. (85) 759
Tea, Duty on, Correspondence moved for, (85) 966

SMITH, Mr. J. A., *Chichester*
Cracow, Occupation of, Address moved, (88) 834

Smith, Mr. Joshua Toulmin, Case of,
l. Petition (Lord Denman), (85) 579; *c.* Com. moved for (Mr. Spooner), (86) 539, [A. 125, N. 134, M. 9] 553

Smoke Nuisance, The,
c. Reply (Sir J. Graham), (85) 1352

Smoke Prohibition Bill,
c. 1R.* (87) 114; Bill postponed, (88) 629

Sobraon, Victory at,
l. Vote of Thanks to the Army (Earl of Ripon), (85) 412; *c.* (Sir R. Peel), 462;—Acknowledgment of Thanks, (87) 1382; *l.* 1403

Solicitor General, The (Sir Fitzroy Kelly), *Cambridge*
- Bequests for Pious and Charitable Purposes, 2R. (84) 610
- Bridport Election, (86) 1415
- Friendly Societies, Rep. *cl.* 1, (85) 856
- Protection of Life (Ireland), 2R. (87) 1014
- Railway Legislation, (85) 913, 940, 941, 943
- Taylor, Sir C., Charges against, (87) 126

Solicitor General, The (Mr. D. Dundas), *Sutherlandshire*
- Religious Opinions Relief, Com. *cl.* 3, (88) 633

Somers, Mr. J. P., *Sligo Bo.*
- Protection of Life (Ireland), 1R. (85) 1352

Somerset, Right Hon. Lord G. C. H., *Monmouthshire*
- Bridport Election, (85) 978
- Charitable Trusts, 2R. (87) 1135
- Committees, Attendance on, (85) 1212
- Death by Accident Compensation, Com. (87) 1375
- Deodands Abolition, 2R. (88) 624
- Magistrates, Appointment of, (88) 762
- Railway Bills (Ireland), (83) 1256
- Railway Commissioners, Com. (88) 930; *cl.* 1,935
- Railway Legislation, (88) 846
- Railways—Resolutions, (83) 331; Report of Select Committee, 518, 525, 749, 752; Resolution, (85) 668
- Small Debts, Com. *cl.* 9, (88) 920

Somerville, Sir W. M., *Drogheda*
- Drainage (Ireland), Com. *cl.* 11, Amend. (83) 726
- Fever (Ireland), Com. (84) 1211
- Orders of the Day, Amend. (85) 288
- Polling Places (Ireland), Rep. (85) 1410
- Protection of Life (Ireland), 1R. (85) 650, 651, 727, 770; 2R. Amend. (87) 129

South Australia,
c. Question (Mr. Divett), (88) 113

South Sea Company Bill,
c. 1R.* (84) 625; 2R.* 778; Rep.* 929; 3R.* 978; *l.* 1R.* 1214; 2R.* 1419; Rep.* (85) 1, 3R.* 74; Royal Assent, 272

Spain, Trade with,
c. Question, (Dr. Bowring), (83) 489;—*Sugar*, Question (Lord J. Russell), (84) 979;—*Discriminating Duties*, Question (Rt. Hon. H. Labouchere), (86) 1202, 1286

Spanish Colonies, Carrying Trade with,
c. Observations (Lord G. Bentinck) (88) 799

Speaker, The (The Right Hon. C. S. Lefevre), *Hampshire, N.*
- Andover Union, The, Com. moved for, (84) 641, 663
- Bridport Election, (85) 1081; (86) 328, 329, 911
- Commercial Policy—Corn Laws, Report, (84) 786, 1284
- Committees, Attendance on, (86) 466
- Corn Importation, (86) 726
- Counsel, Members of the House acting as, (86) 93
- Evidence before Committees, (88) 282
- Factories, 2R. (86) 535
- Ferrand, Mr., and his Accusers, (84) 232
- Forged Petitions, Com. moved for, (84) 381, 384
- O'Brien, Mr. W. S.—Refusal to serve on Committee, (85) 1153, 1198, 1293, 1294, 1295; (86) 966
- Orders of the Day, (85) 300, 324, 325
- Peel, Sir R., his Explanation, (87) 720
- Poor Removal, Instruction to Committee, (87) 42
- Privilege—Interpolated Petition, (83) 487
- Protection of Life (Ireland), 1R. (85) 612, 1405
- Roman Catholic Relief, Com. (86) 154
- Shetland, Distress in, (85) 1217
- Sutlej, Campaign on the, Acknowledgment of Vote of Thanks, (87) 1382

Spirit Duties (Ireland),
c. Question, (Sir H. W. Barron), (83) 494

Spirits—Foreign
c. Question (Mr. P. M. Stewart), (83) 427;—The Tariff, Amend. (Mr. Ald. Thompson), (84) 1129, [*o. q.* A. 64, N. 35, M. 29] 1134

Spirit Licenses and Duties Bill,
c. 1R.* (88) 27; 2R.* 184; Rep.* 282; 3R. 367; *l.* 1R.* 844; 2R.* 893; Rep.* 925; 3R.* 948; Royal Assent, 1020

Spitalfields New Street Bill,
c. 1R.* (87) 39; 2R.* 374; Rep.* 1036; 3R.* 1040; *l.* 1R.* 1060; 2R.* 1115; Rep.* 1136; 3R.* 1220; Royal Assent, (88) 1

Spooner, Mr. R., *Birmingham*
- American Mail Steam Packets, Com. moved for, (87) 1427
- Arms (Ireland), 2R. (88) 588
- British Possessions, 3R. (88) 741
- Charitable Trusts, 2R. (87) 1129
- Cheltenham Petition, The, Instruction, (84) 571
- Commercial Policy—Corn Laws, Com. moved for, (84) 219, 292; Rep. Amend. 1010, 1022, 1023;—Bronze, Amend. *ib.*;—Buttons, 1034
- Gauge of Railways, 3R. *add. cl.* (88) 640
- Milbank Prison, Com. moved for, (87) 1449
- Poor Removal, Instructions to Committee, (87) 88; Com. 1208; 3R. (88) 211; *add. cl.* 213
- Protection of Life (Ireland), 2R. (87) 998
- Religious Opinions Relief, 2R. (88) 364; Com. 634, 637, 638
- Roman Catholic Relief, Com. (86) 160
- Settlement, Law of, Com. moved for, (85) 85
- Smith, Mr. J. T., Case of, Com. moved for, (86) 539, 553
- Sugar Duties, Com. (88) 245
- Suppression of Vice, Leave, (87) 909

Staff Officers—Retiring Pensions,
c. Question (Captain Layard), (83) 754

Standing Orders—Railways,
l. add. res. (Earl of Dalhousie), (83) 509, 832; *c.* Resolution (Mr. R. Hodgson), (85) 1210; Motion withdrawn, 1211

STANHOPE, Earl of
Corn Importation, 2R. (86) 1238, 1266; Com. Amend. (87) 231, 249; *cl.* 1, 462, 472, 541, 542, 543; *add. cl.* 680, 682; 3R. 954
Customs Duties, Com. (87) 798, 799, 800, 801, *cl.* 2, 807;—Hops, 877, 878;—Lace, Amend. 879;—Stained Paper, Amend. 883

STANLEY, Lord
Address in Answer to the Speech, (83) 25, 40
Burdens on Land, Com. moved for, (83) 938
Business of the House, (87) 1062
Canada, Papers moved for, (87) 1, 4
Corn Importation, 2R. (86) 1097, 1128, 1182; Com. (87) 346, 350, 352, 360, 362, 365, 367; Petition, 441, 444; Explanation, 446; *cl.* 1, 565, 574, 575, 579, 580
Corn Laws, Returns moved for, (86) 537
Customs Duties, Com. (87) 786, 793; *cl.* 2, Amend. 806;—Butter and Cheese, 874;—Lace, 880, 881;—Silk, 894; 3R. 961
Lieutenancies, County (Ireland), Correspondence moved for, (86) 111
Ministers' Money (Ireland), (83) 1252
Preston, Liverpool, and Ormskirk Railway, (87) 1381
Religious Opinions Relief, Com. (86) 610
St. Asaph and Bangor and Manchester Dioceses, (87) 2R. 1283
Sugar Duties, 1R. (88) 488, 507, 542, 543, 544
Van Diemen's Land—Penal Settlements, (84) 482;—Attorney General of, (87) 1036

STANLEY, Hon. W. O., *Anglesey*
Commercial Policy—Corn Laws, Com. Amend. (84) 717
Haydock Lodge Asylum—Poor Law Commission, (87) 685, 687

Steam Navigation Bill,
c. Leave, (87) 105; 1R.* *ib.*; 2R.* 374; Rep.* (88) 184, 358; 3R.* 845; *l.* 1R.* 893; 2R.* 925; Rep.* 948; 3R.* 995; Royal Assent, 1060

Steam Packet Stations (Ireland),
l. Petition (Marquess of Lansdowne), (85) 366

Steamers—The Great Liverpool,
c. Question (Sir G. Grey), (84) 1227;—*Iron War Steamers, c.* (Mr. Wawn), (88) 684

STEWART, Mr. P. M., *Renfrewshire*
Central Railway (Scotland), 2R. (85) 71
Colonial Produce—Foreign Spirits, (83) 427
Cracow, Occupation of, Address moved for, (88) 837
Customs Duties—Rum, (88) 573
Gauge of Railways, Com. (88) 368; 3R. *add. cl.* 640
Great Liverpool Steamer, (84) 1228
Railway Deposits, (83) 374, 378
Railway Projects, (85) 602

STEWART, Mr. P. M.—*continued.*
Railways, Com. moved for, (83) 207; Report of Select Com. 753; Com. moved for, (84) 1259, 1429
Turnpike Roads (Scotland), Com. (85) 73
Sugar Duties, (87) 2330; Res. (88) 257, 261; 3R. 465

Stock in Trade Bill,
c. 1R.* (88) 243; 2R.* 282; Rep.* 358; 3R.* 371; *l.* 1R.* 467; 2R.* 598; Rep.* 645; 3R.* 695; Royal Assent, 844

Stoddart, Colonel, and Captain Conolly,
c. Question (Mr. A. B. Cochrane), (85) 979

STOURTON, Lord
Public Works (Ireland), 2R. (83) 533
Seery, Brian, Case of, (84) 114

STRADBROKE, Earl of
Corn Importation, Com. (87) 544
Prosecutors, Witnesses, &c. 2R. (84) 774
Railways—Standing Orders, *add. res.* (83) 517

STRAFFORD, Lord
Sutlej, Campaign on the, Thanks to the Army, (85) 434

STRANGFORD, Viscount
Charitable Trusts, (85) 158

Straw Plait—The Tariff, c. (86) 1066

STRICKLAND, Sir G., *Preston*
Factories, Leave, (83) 378, 397; 2R. (85) 1239
Lace Factories, Leave, (84) 976

Stripping Infants in Workhouses,
c. Question (Mr. Christie), (85) 692

STRUTT, Mr. E., *Derby*
Ayrshire and Galloway Railway, Report, (83) 533
Commercial Policy—Cotton, (84) 1038
Lace Factories, 2R, (86) 928
O'Brien, Mr. W. S., (86) 991
Poor Removal, Instruction to Committee, (87) 53; Com. 1212, 1387
Private Bills—Petitions, (83) 963
Railway Bills (Ireland), (83) 1256, 1261
Railways — Resolutions, (83) 332; — Petitions, 834, 835

STUART, Mr. J., *Newark-upon-Trent*
Corn Importation, 2R. (86) 186;—Oats, Com. (86) 136
Education of the People, (87) 1247
Joint Stock Banks (Scotland and Ireland), Com. *cl.* 1, (88) 221
Supply—Ecclesiastical Commissioners, (87) 1103

STUART, Mr. W. V., *Waterford Co.*
Protection of Life (Ireland), 2R. (87) 833

SUDELEY, Lord
Parliament, New Houses of, Address moved, (87) 1033

Sugar, Brazilian,
c. Question (Right Hon. H. Labouchere), (83) 490, 526;—*Spanish,* Question (Lord J. Russell), (84) 979

Sugar Duties,
c. Question (Mr. Moffatt), (83) 452;—Observations (Chancellor of the Exchequer), (87) 636, 811; Res. 817; Rep. 904; *l.* Question (Lord Brougham), 1115; *c.* Res. (Lord J. Russell), 1304; *l.* Petition (Lord Brougham), (88) 4; *c.* Amend. (Lord G. Bentinck), 32; Adj. Debate, 114, [*o. q.* A. 265, N. 135, M. 130] 180; Com. 245; Res. (Chancellor of the Exchequer), 250; Amend. (Mr. Moffat), 253; Amend. withdrawn, 257; Amend. (Mr. James), *ib.*; Amend. withdrawn, 258; Amend. (Mr. Barclay), *ib.*; Amend. withdrawn, 270; Rep. 287

Sugar Duties—Annual Votes,
c. Question (Mr. Moffatt), (88) 565

Sugar Duties Bill,
c. 1R.* (87) 905; 2R.* 909; Rep.* 1036; 3R.* 1040; *l.* 1R.* 1037; 2R.* 1059; 3R.* *ib.*; Royal Assent, 1061

Sugar Duties (No. 2) Bill,
c. 1R.* (87) 1362; 2R.* 1381; Com. *cl.* 1, Amend. (Lord G. Bentinck), 1404, [*o. q.* A. 121, N. 38. M. 83] 1407; Rep.* (88) 27; 3R.* 113; *l.* 1R.* 104; 2R.* 197; 3R.* 224; Royal Assent, 274

Sugar Duties (No. 3) Bill,
c. 1R.* (88) 282; 2R.* 343; Rep. *371; 3R. 465; *l.* 1R. 467; Protest, 545; 2R. 649, [Contents 28, Not-Contents 10, M. 18] 673; Protest, 674; 3R.* 695, 747; Royal Assent, 844

Sunday Trading Bill,
c. Leave, 598; House counted out, *ib.*; 1R.* 674

Sundays, Admission to Public Institutions on,
c. Motion (Mr. Hume), (88) 717; Motion withdrawn, 725

Superintendent of Convicts Bill,
c. 1R.* (86) 612; 2R.* 871; Rep.* 980; 3R.* 1195; *l.* 1R.* 1290; 2R.* (87) 539; 3R. 869; Royal Assent, 1061

Supply,
c. *Vote of* 8,000,000*l.* (84) 975; (86) 1203;—*Civil Contingencies,* 1204; — *Public Departments,* 1207;—*Houses of Parliament,* 1208;—*Ecclesiastical Commissioners,* (87) 1101;—*Poor Law Commissioners,* 1104; — *Education,* 1257;—*Education (Ireland),* 1258;—*School of Design,* 1262; —*Belfast Academy,* 1263; —*National Gallery,* 1264;—*New Zealand,* 1265;—*Captured Negroes,* 1267;—*British Museum,* 1440; *Navy Estimates,* 1446; (88) 273, 331, 565;—*Failure of the Potato Crop (Ireland),* 725;—*Buckingham Palace,* 726, [A. 55, N. 6, M. 49] 732;—*Retirement for Naval Officers,* 838; Rep. 875

Suppression of Vice Bill,
c. Leave, (87) 909; House counted out, *ib.*

Sutlej, Campaign upon the, Victories of Moodkee and Ferozeshah,
l. Thanks to the Army (Earl of Ripon), (84) 354; *c.* (Sir R. Peel), 385;—*l. Victories of Aliwal and Sobraon,* Vote of Thanks to the Army (Earl of Ripon), (85) 412; *c.* (Sir R. Peel), 436, 462; *l.* Observations (Marquess of Lansdowne), 570; *c.* Acknowledgment of Vote of Thanks, (87) 1382; *l.* 1403

SUTTON, Hon. J. H. T. M., *Cambridge*
Bones, Grinding, in Workhouses, (83) 1146
Small Debts, Com. (88) 916

Tariff, The—Customs—Corn Laws,
c. Com. moved for (Sir R. Peel), (83) 237; Amend. (Mr. P. Miles), 549; Adj. Debate, 642, 756, 839, 965, 1089, 1190, 1264, 1394; Com. moved for, Adj. Debate, (84) 15, 121, 249, [A. 337, N. 240, M. 97] 349; Amend. (Hon. C. Villiers), 421; Adj. (Mr. Borthwick), [A. 70, N. 227, M. 157] 467; Adj. Debate, 527, [*o. q.* A. 265, N. 78, M. 187] 575; Amend. (Hon. W. O. Stanley), 717; Amend. neg. 726; (Mr. M. Milnes), 727; Motion withdrawn, 744; Question (Sir R. H. Inglis), 784; Report, 785; Amend. (Mr. R. Spooner), 1010; Amend. withdrawn, 1023, 1056, 1126, 1284;—See *Corn Importation Bill—Customs Bill*

Tariff, The German,
c. Question (Mr. Wodehouse), (86) 952

Tariff—United States,
l. Question (Lord Monteagle), (83) 422

Tariffs, Colonial,
c. Copies moved for (Mr. Hume), (83) 639

Taxation, Local,
c. Returns moved for, (Mr. Wodehouse), (85) 417

Taxation of Costs (Compensations for Land) (Ireland) Bill,
c. 1R.* (87) 1229; 2R.* 1302; Rep.* 1404

Taylor, Sir C., Charges against
c. Question (Mr. J. Collett) (86) 811, 958; (87) 123

Tea, Duty on,
c. Correspondence moved for (Viscount Sandon), (85) 958

Telegraph, Electric
c. Question (Mr. James), (83) 527

Tenant Rights (Ireland),
c. Question (Mr. P. Scrope), (88) 793

Tenantry, Ejectments of (Ireland),
l. Returns moved for (Marquess of Londonderry), (85) 273; *c.* Address moved (Mr. W. S. O'Brien), 485; Motion withdrawn, 489; *l.* Observations (Earl of Clancarty), 491; *c.* (Major Beresford), 1071

Tenants, Ejected (Ireland) Bill,
c. 1R.* (85) 1070

Tenants for Life (Ireland) Bill,
c. 1R.* (88) 750

Tenants of Corporate Bodies (Ireland) Bill,
c. 1R.* (88) 750

Tenements, Rating of,
c. 1R.* (86) 7; 2R. (87) 629

THESIGER, Sir F.
Death by Accident, Compensation, Com. (87) 1365, 1371
(*See also* ATTORNEY GENERAL, The)

THOMPSON, Mr. Ald. W., *Westmoreland*
Commercial Policy—Corn Laws, Com. moved for, (83) 1198;—Bronze, (84) 1027;—Spirits, Amend. 1129

THORNELY, Mr. T., *Wolverhampton,*
Business of the House, (85) 139

Timber Duties, The,
c. Observations (Sir R. Peel), (83) 440;—*Returns,* Question (Lord G. Bentinck), (85) 790

Timber, The Tariff,
c. Amend. (Mr. Mitchell), (84) 1165; Motion withdrawn, 1167; Amend. (Marquess of Worcester) 1284, [*o. q.* A. 237, N. 109, M. 123] 1340

Tithe Commutation Amendment Act Bill,
l. 1R.* (88) 104; 2R.* 224; 3R.* 695; *c.* 1R.* 707; 2R.* 750; Rep.* 875; 3R.* 998; Royal Assent, 1020

Tobacco Duties,
c. Inquiry moved for (Dr. Bowring), (87) 1123; House counted out, 1127;—Remarks, (88) 342; House counted out, 343

TOLLEMACHE, Mr. J., *Cheshire, S.*
Commercial Policy—Corn Laws, Com. moved for, (83) 1223;—Butter, (84) 1029
Settlement, Law of, (83) 1167

Transportation—Van Diemen's Land,
c. Resolutions (Mr. Ewart), (86) 1288; House counted out, 1290; Res. (Mr. Ewart), (87) 1347; Motion withdrawn, 1350

TRELAWNY, Mr. J. S., *Tavistock*
Charitable Trusts, (83) 454
Commercial Policy—Corn Laws, Com. moved for, (84) 35
Factories, Leave, (83) 398; 2R. (86) 504
Naval Courts Martial—Flogging Sailors, (87) 1346
Supply—Ecclesiastical Commissioners, (87) 1103

TRENCH, Sir F. W., *Scarborough*
Wellington, Duke of, Statue of the, (87) 1413, 1416; (88) 757

Trial of Offences (Ireland) Bill,
l. 1R.* (87) 603

Trinity College Dublin, Tenants of,
c. Question (Mr. M. J. O'Connell), (88) 341

TROLLOPE, Sir J., *Lincolnshire, Parts of Kesteven and Holland*
Commercial Policy—Cattle, (84) 1152
Corn Importation, 2R. (85) 22

Troops in the Colonies,
c. Remarks (Sir De L. Evans), (87) 1231

TUFNELL, Mr. H., *Devonport*
Business of the House, (85) 139

Turkey and Russia, Treaty between
c. Question (Dr. Bowring), (86) 1423

Turkey, Trade with,
c. Question (Dr. Bowring), (88) 1022

Turnpike Acts Continuance Bill,
c. 1R.* (88) 243; 2R.* 282; Rep.* 358; 3R.* 371; *l.* 1R.* 467; 2R.* 598; Rep.* 645; 3R.* 695; Royal Assent, 844

Turnpike Roads (Ireland) Bill,
c. 1R.* (88) 343; 2R.* 545; Rep.* 677; 3R.* 750; *l.* 1R.* 844; 2R.* 893; Rep.* 925; 3R.* 948; Royal Assent, 1020

Turnpike Roads (Scotland) Bill,
l. 1R.* (83) 234; 2R.* 337; Rep.* 634; 3R.* 912; *c.* 1R.* (84) 379; 2R. 1342 [A. 45, N. 13, M. 32] 1343; Com. (85) 72, [A. 30, N. 18, M. 12] 73; *cl.* 2, 74; Bill withdrawn, *ib.*

Turnpike Trusts,
c. Question (Sir W. Jolliffe), (83) 450

TYRELL, Sir J. T., *Essex, N.*
Commercial Policy—Corn Laws, Com. moved for, (83) 305, 878, 879, 997, 1229; Com. (84) 725; Rep. 785, 786;—Cattle 1148;—Hides 1160
Protection of Life (Ireland), 1R. (85) 1405

United States, The—Oregon Boundary,
l. Question (Lord Brougham), (83) 341;—Correspondence moved for (Earl of Clarendon), (84) 1112;—*c.* Question (Mr. Borthwick), 1277; (Mr. Hume), (86) 1424; *l.* (Lord Brougham), (87) 1037;—*The Oregon Treaty,* 1221;—*The Tariff,* Question (Lord Monteagle), (83) 422;—*c. Dispute with Mexico,* Remarks (Lord G. Bentinck, (88) 978

Vacancies in Government Offices,
c. Question (Col. Sibthorp), (84) 225

Van Diemen's Land, Attorney General of,
l. Question (Lord Brougham), (87) 1035

Van Diemen's Land—Penal Settlements,
l. Petition (Marquess of Lansdowne), (84) 480;—*c. Transportation,* Resolutions (Mr. Ewart), (86) 1288; House counted out, 1290; Res. (Mr. Ewart), (87) 1347; Motion withdrawn, 1350

VANE, Lord H., *Durham S.*
Art Unions, Recom. (88) 196
Commercial Policy—Corn Laws, Com. moved for, (83) 994
Poor Removal, Com. (87) 121, 1212
Railways, Amalgamation of, Com. moved for, (84) 1431; (85) 669

Ventilation of the Houses of Parliament,
l. Question (Marquess of Clanricarde), (86) 170

Verner, Colonel Sir W., *Armagh Co.*
Army, Claims of the, Com. moved for, (88) 888
Corn Importation, Rep. (86) 229
Protection of Life (Ireland), 1R. (85) 729, 1094; 2R. (87) 417

Vernon, Mr. G. H., *Retford (East)*
Corn Importation, 2R. (84) 1465

Vesey, Hon. T., *Queen's Co.*
Protection of Life (Ireland), 2R. (87) 972

Vestries, Select Bill, l. 1R.* (33) 1

Vexatious Actions, Protection Against, Bill,
l. 1R.* (86) 414; 2R.* (87) 937; 3R.* 1059

Villiers, Hon. C. P., *Wolverhampton*
Commercial Policy—Corn Laws, Com. moved for, (84) 187, 753; Rep. Cattle, 1149, 1155
Corn Importation, 3R. (86) 717
Corn Laws, Total Repeal of the, (84) 422, 529, 572
Corn Laws, The New, Error in, (88) 465, 466; Com. moved for, 733, 736
Fever (Ireland), Leave, (84) 1008
Foreign Wheat in Bond, Damage to, (84) 501
Peel, Sir R., his Explanation, (87) 751, 759

Villiers, Viscount, *Cirencester*
Commercial Policy—Corn Laws, Com. moved for, (83) 855

Vivian, Lord
Railways—Trespass, (87) 1377
St. Asaph and Bangor and Manchester Dioceses, 2R. (87) 1283

Vivian, Hon. Captain J. C. W., *Penryn and Falmouth*
Post Office Irregularities, (85) 1288

Voters, Fraudulent, Objections to,
c. Com. moved for (Mr. Newdegate), (84) 928; Amend. (Sir G. Grey), 929

Vyse, Captain R. H. R. H., *Northampton, S.*
Corn Importation, 3R. (86) 454

Wakley, Mr. T., *Finsbury*
Address in Answer to the Speech, (83) 139
Andover Union, The, Com. moved for, (84) 641, 676; Leave to Report Proceedings of Committee, (86) 1410;—Question, (88) 1065
Bridport Election, (86) 896, 1045
Business of the House, (87) 1190
Cheltenham Petition, The, Instruction, (84) 510
Commercial Policy—Corn Laws, Com. moved for, (83) 318, 322, 325
Constabulary (Ireland), 3R. (88) 955
Corn Laws, Total Repeal of the, (84) 570

Wakley, Mr. T.—*continued.*
Corporal Punishment in the Army, (88) 436, 443, 444, 445, 446, 448; Returns moved for, 690, 760
Danish Claims, Com. moved for, (85) 1320
Death by Accident Compensation, Com. (87) 1371
Deodands Abolition, That the Bill do pass, (88) 626
Destitute Poor (Ireland), 2R. (85) 410
Factories, Leave, (83) 413; 2R. (86) 1004, 1419
Fever (Ireland), Leave, (84) 981, 1049; Com. 1189
Friendly Societies, Com. (84) 933
Frost, Williams, and Jones, Address moved, (84) 907
Haydock Lodge Lunatic Asylum, Commission moved for, (88) 1023, 1053, 1055
Lace Factories, 2R. (86) 938, 943
Mexico and the United States, (88) 995
Milbank Penitentiary, (88) 712
O'Brien, Mr. W. S., (86) 992
Poisoning Case at Happisburgh, (86) 952
Poor Removal, Com. (87) 119, 1071, 1213
Post Office, Com. moved for, (85) 832;—Case of Thomas Mitchell, Address moved, (88) 961
Privilege, Breach of, (86) 819
Public Institutions, Admission to, on Sundays, (88) 721
Railway Bills (Ireland), (85) 848
Railway Commissioners, Com. (88) 934
Railway Legislation, (85) 1329
Sessional Orders, (83) 130
Small Debts, Com. *cl* 9, (88) 919; Amend. 924
Smith, Mr. J. T., Case of, Com. moved for, (86) 539, 549
Spirit Licenses and Duties, 3R. (88) 367
Sugar Duties, (87) 1336
Supply—Ecclesiastical Commissioners, (87) 1102;—Poor Law Commissioners, 1107, 1111
Taylor, Sir C., Charges against, (87) 125
Warner, Captain, his Invention, Address moved, (87) 1096

Wales, Education in,
c. Address moved (Mr. W. Williams), (84) 845; Motion withdrawn, 867; *l.* Petition (Bishop of St. David's), (86) 859

Walpole, Mr. S. H., *Midhurst*
Parliamentary Electors and Freemen, 2R. (87) 916

Walsh, Sir J. B., *Radnorshire*
Commercial Policy—Corn Laws, Com. moved for, (83) 581;—Cattle, (84) 1155
Corn Importation, 3R. (86) 440

Warburton, Mr. H., *Kendal*
British Possessions, Com. (88) 681
Commercial Policy—Timber, (84) 1300
Corn Law, The New, Error in, Com. moved for, (88) 736
Corporal Punishment in the Army, Returns moved for, (88) 693
Education of the People, (87) 1245
India, Cruelty of the Troops in, (88) 752
O'Brien, Mr. W. S.—Refusal to serve on a Committee, Amend. (85) 1167; (86) 988
Post Office, The—Case of Thomas Mitchell, Address moved, (88) 959
Railway Commissioners, Com. (88) 933
Small Debts, 3R. (88) 1020

WARD, Mr. H. G., *Sheffield*
  Business of the House, (87) 1194
  Commercial Policy—Corn Laws, Com. moved for, (83) 871; Com. (84) 742
  Corn Laws, Total Repeal of the, (84) 539
  Factories, 2R. Amend. Adj. (86) 534, 535, 1003, 1004, 1010
  Iron War Steamers, (88) 684
  Naval Courts Martial—Flogging Sailors, (87) 1343; (88) 272, 622
  Navy, The, (87) 1354
  O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1195
  Protection of Life (Ireland), 1R. (85) 745
  Railway Bills, (85) 930
  Railway Projects, (86) 601
  Railways, Report of Select Committee, (83) 524
  Supply—Navy Estimates, (87) 1446

Warner, Captain, his Invention,
  c. Address moved (Viscount Ingestre), (87) 1071; Motion withdrawn, (87) 1097;—*l.* Question (Lord Brougham), (88) 700

WARWICK, Earl of
  Corn Importation, Com. (87) 319
  Gauge of Railways, Com. (88) 202
  Railways—Broad and Narrow Gauge, Res. (87) 1229

Washhouses and Baths,
  l. Petition (Bishop of London), (87) 104; (Lord Brougham), (88) 104

Washhouses and Baths Bill,
  c. Leave, (87) 762; 1R.* 808; 2R.* 1061; Rep.* 1065, 1381; 3R.* 1404; *l.* 1R.* (88) 1; 2R. 277; 3R.* 371; Royal Assent, 1020

Washhouses and Baths (Ireland) Bill,
  c 1R.* (88) 27; 2R.* 184; Rep.* 282; 3R.* 358; *l.* 1R.* 371; 2R.* 893; 3R.* 948; Royal Assent, 1021

Waste Lands (Australia) Bill,
  l. 1R.* (87) 937; 2R. (88) 349

Waste Lands (Australia) (No. 2) Bill,
  l. 1R.* (88) 598; 2R. 700; 3R.* 893; c. 1R.* 908; 2R.* 928; Com. 962; Rep.* 977; 3R.* 1009; *l.* Royal Assent, 1060

Waste Lands (Ireland) Bill,
  c. Leave, (85) 1198; 1R.* (87) 39; Bill withdrawn, (88) 346

Waterford, Marquess of—Alleged Evictions (Ireland),
  c. Observations (Major Beresford), (85) 1071

WATSON, Mr. W. H., *Kinsale*
  Danish Claims, Com. moved for, (85) 1036
  Fees in Courts of Law and Equity, Com. moved for, (86) 176
  O'Brien, Mr. W. S., (86) 996
  Roman Catholic Relief, Leave, (83) 495; Com. (86) 150, 153, 158, 162; (87) 918, 922, 935

WAWN, Mr. J. T., *Shields (South)*
  Iron War Steamers, (88) 684
  Railways, Com. moved for, (84) 1266

Ways and Means—The Budget,
  c. (86) 1429;—*Sugar Duties*, Res. (Chancellor of the Exchequer), (87) 817; (Lord J. Russell), 1304; Amend. (Lord G. Bentinck), (88) 32; Adj. Debate, 114, [*o. q.* A. 265, N. 135, M. 130] 180; Com. 245; Res. (Chancellor of the Exchequer), 250; Amend. (Mr. Moffatt), 253; Amend. withdrawn, 257; Amend. (Mr. James), *ib.*; Amend. withdrawn, 258; Amend. (Mr. Barclay), *ib.*; Amend withdrawn, 270; Rep.* 287

WELLINGTON, Duke of
  Address in Answer to the Speech, (83) 23, 48
  Burdens on Land, Com. moved for, (83) 1045
  Charitable Trusts, (85) 1250
  Committees, Chairman of, (83) 50
  Corn Importation, 1R. (86) 728; 2R. 1401
  Cracow, Independence of, Address moved, (88) 616
  Customs Duties, Com. (87) 780, 799, 800
  Death by Accident Compensation, 3R. (86) 173
  Deodands Abolition, 3R. (86) 173
  Ejectment of Tenantry (Ireland), Returns moved for, (85) 277
  Flogging in the Army, (88) 600, 602
  Hardinge's, Viscount, and Lord Gough's Annuities, (87) 1154
  Ireland, State of, Address moved, (84) 1383, 1412;—Crime in, Returns moved for, (85) 977
  Lieutenancies, County (Ireland), Correspondence moved for, (86) 120
  Ministerial Explanations, (83) 165, 166, 171, 175, 177
  Parliament, New Houses of, Address moved, (85) 367, 370
  Plata, Rio de la, Correspondence moved for, (83) 1165
  Poor, Relief of the (Ireland), Com. moved for, (83) 486
  Public Works (Ireland), 2R. (83) 532
  Railway Legislation, Com. moved for, (85) 284;—Returns moved for, (85) 1145; (87) 37
  Railways—Trespass, (87) 1375
  Real Property, Burdens on, Com. moved for, (83) 517
  Resignation of Ministers, (87) 1039
  Sutlej, Campaign on the, Thanks to the Army, (84) 370, 375

Wellington, Duke of, Equestrian Statue to the,
  c. Question (Lord R. Grosvenor), (86) 960;—Address moved (Hon. C. Berkeley), (87) 1408; Motion withdrawn, (87) 1417; Question, (88) 372, 755

West Indies, Labourers for the,
  c. Question (Hon. G. Berkeley), (88) 628

Western Australia Bill,
  l. 1R.* (85) 1250; 2R. (86) 171; 3R.* 859; c. 1R. (87) 808; 2R.* 1065; Rep.* 1161; 3R.* 1229; *l.* Royal Assent, (88) 1

WESTMEATH, Marquess of
  Ireland, State of, Address moved, (84) 1410
  Protection of Life (Ireland), 2R. (83) 1388; Com. (84) 694
  Seery, Bryan, Execution of, (84) 1, 3, 110, 114

Westminster Bridge,
  c. Question (Sir R. H. Inglis) (83) 837

Westminster Improvement,
c. Question, (Sir De Lacy Evans) (88) 342

WHARNCLIFFE, Lord
Railway Companies Dissolution, 1R. (85) 889; 2R. 1150
Railway Legislation, Com. moved for, (85) 283, 666; Returns moved for, 1148

WICKLOW, Earl of
Clerks of the Crown (Ireland), Returns moved for, (86) 581
Constabulary (Ireland), 2R. (88) 975
Corn Importation, Com. (87) 254, 257; *cl.* 1, Amend. 544, 546, 554; Res. 774; 3R. 939
Corn Laws, The, (84) 479
Customs Duties, 2R. (87) 21; Com. 785;—Hops, 876
Drainage (Ireland), Com. (84) 222
Hardinge's, Viscount, and Lord Gough's Annuities, Com. (87) 30; Rep. 1159
Ireland, Crime in, Returns moved for, (86) 977
Lieutenancies, County (Ireland), Correspondence moved for, (86) 113
Poor Removal (Ireland), Com. (88) 1007
Prosecutors, Witnesses, &c., 2R. (84) 776
Protection of Life, (Ireland), 2R. (83) 1379, 1386; Com. *cl.* 13, (84) 695, 696; *cl.* 16, 702, 715, Rep. *cl.* 1, 841, 842
Queen, The, Accouchement of, Address moved, (86) 1084
Railway Bills, Opposed, Res. (86) 172; Com. moved for, (88) 200
Railway Companies Dissolution, 1R. (85) 884
Railway Legislation, Resolutions, (85) 1062

WILDE, Sir T., *Worcester*
O'Brien, Mr. W. S.—Refusal to serve on a Committee, (85) 1178, 1197
Railways—Broad and Narrow Gauge, Resolutions, (87) 610, 633
Smith, Mr. J. T., Case of, Com. moved for, (86) 543

WILLIAMS, Mr. W., *Coventry*
Adjournment—Martyrdom of Charles 1st, (83) 369
Budget, The, (86) 1468
Chiltern Hundreds, The—Recent Resignations, Returns moved for, (83) 505
Commercial Policy—Foreign Books, (84) 816
Constabulary (Ireland), Rep. (88) 597
Corporal Punishment in the Navy, (87) 1337, 1345; (88) 271, 272;—In the Army, (88) 244, 405, 407, 759
Education in Wales, Address, moved, (84) 845, 864
Education of the People, (87) 1246
Elections, Interference of Peers at, Com. moved for, (83) 1181
Enlistment in the Army, Address moved, (88) 312, 317
Estimates, The, (87) 1097
Expenditure, Increased, (88) 331
Fees in Courts of Law and Equity, Com. moved for, (86) 193
Gauge of Railways, 3R. *add. cl.* (88) 641
Hardinge, Viscount, and Lord Gough, Pensions to, Address, (86) 30; Com. 857
Ireland, Measures of Relief for, (88) 781
Milbank Prison, Com. moved for, (88) 553, 711
Naval Courts Martial—Flogging Sailors, (87) 1337, 1345; (88) 271, 272, 622

WILLIAMS, Mr. W.—*continued.*
Navy, Manning the, (88) 874
Parliamentary Electors and Freemen 2R. (87) 913
Poor Removal, 3R. (88) 211
Post Office, Com. moved for, (85) 817
Public Institutions, Admission to, on Sundays, (88) 722
Public Works, (Ireland), Com. (83) 184, 187
Railway Bills, (85) 941
Railway Bills (Ireland), (85) 850
Railway Legislation, (88) 623
Sessional Orders, (83) 128, 129
Supply, (86) 1203;—Civil Contingencies, 1204;—Public Departments, 1207;—Houses of Parliament. 1208;—Ecclesiastical Commissioners, (87) 1102;—Poor Law Commissioners, 1105;—Education, 1257;—New Zealand, 1265, 1267;—Failure of the Potato Crop (Ireland), (88) 725;—Buckingham Palace, 731;—Retirement of Naval Officers, 843

WILTON, Earl of
Bellerophon and Rodney, The, (84) 1120
Corn Importation, 2R. (86) 1210

WINCHILSEA, Earl of
Corn Importation, 2R. (86) 1224;—Explanation, (87) 452, 542; Com. *cl.* 1, 562
Poor Removal, 2R. (88) 354

Windsor, Dean of,
c. Question (Mr. Rich), (87) 809

Wines, French—The Tariff
c. Rep. (84) 826

WODEHOUSE, Mr. E., *Norfolk, E.*
Chapman, Mr., Appointment of—Corn Laws, Papers moved for, (83) 441
Commercial Policy—Corn Laws, Com. moved for, (83) 314
Factories, Leave, (83) 406
Foreign Grain in Bond, Returns moved for, (83) 739
German Customs Tariff, The, (86) 952
Poor, Medical Relief to the, (83) 488
Poor Removal, Com. (87) 1219; Amend. (87) 1383
Settlement, Law of, (83) 1166
Taxation, Local, Returns moved for, (83) 417

Wokingham Church and Parish,
l. Petition (Earl Grey), (87) 109

WOOD, Right Hon. C., *Halifax*
Bridport Election, (86) 891, 901
Budget, The, (86) 1466
Cheltenham Petition, The, Instruction, (84) 516, 517
Corn Importation, 3R. (86) 624
Navy Civil Departments, 2R. (87) 627
Poor Removal, Instruction to Committee, (87) 64
(*See also* CHANCELLOR OF THE EXCHEQUER)

WOOD, Colonel T., *Breconshire,*
Bridport Election, (85) 1078
Business of the House, (87) 1167
Commercial Policy—Corn Laws, Com. moved for, (83) 325; Com. (84) 718, 724

Wood, Colonel T.—*continued.*
Corporal Punishment in the Army, (88) 459
County Elections, 2R. Amend. (85) 860
Pollock, Mr. D., Appointment of, (88) 947
Poor Removal, Instruction to Committee, (87) 51; Com. 1215, 1389
Protection of Life (Ireland), 2R. (87) 137
Small Debts, Com. *cl.* 9, Amend. (88) 925

Wood, Colonel T,, *Middlesex*
Commercial Policy—Corn Laws, Com. moved for, (83) 909
Enlistment in the Army, Address moved, (83) 313

Worcester, Marquess of, *Gloucestershire, E.*
Commercial Policy—Timber, Amend. (84) 1284, 1286
Corn Importation, 2R. (85) 204

Worsley, Lord, *Lincolnshire, Parts of Lindsey*
Commercial Policy—Corn Laws, Com. moved for, (83) 699; Com. (84) 726
Corn Laws, Total Repeal of the, (84) 436, 467, 569
County Elections, 2R. (85) 860
Inclosure Acts, (85) 675
Orders of the Day, (85) 323
Protection of Life (Ireland), 2R. (87) 482
Railways, Com. moved for, (84) 1261

Wortley, Hon. J. S., *Buteshire*
Bridport Election, (86) 1418
Central Railway (Scotland), 2R. (85) 71
Cheltenham Petition, The, Instruction, (84) 517
Common Pleas, Court of, (88) 28
Deodands Abolition, That the Bill do pass, Amend. (88) 625
Friendly Societies, 2R. (84) 109
Frost, Williams, and Jones, Address moved, (84) 901
Ireland, State of, (85) 1020
Patent Commissions, 2R. (88) 945, 946
Pollock, Mr. D., Appointment of, (88) 861, 945, 946
Poor Removal, Com. (87) 1387
Protection of Life (Ireland), 2R. (87) 527
Railway Commissioners, Com. (88) 933
Small Debts, Com. (88) 917; *cl.* 9, 922; *cl.* 19, 947
Turnpike Roads (Scotland), Com. (85) 74

Wreck and Salvage Bill,
c. Leave, (87) 103; 1R.* *ib.*; 2R.* 374; Rep.* (88) 184; 3R.* 629; *l.* 1R.* 654; 2R.* 925; Rep.* 948; 3R.* 972; Royal Assent, 1060

Wrottesley, Lord
Charitable Trusts, 2R. (86) 802

Wynn, Right Hon. C. W. W., *Montgomeryshire*
Commercial Policy—Corn Laws, Com. moved for, (83) 773
Education in Wales, Address moved, (84) 864
Records, Public, Com. moved for, (87) 907
Sutlej, Campaign on the, Thanks to the Army, (84) 419

Wyse, Mr. T., *Waterford City*
Art Unions, Recom. (88) 187, 191
Commercial Policy—Foreign Books, (84) 818
County Works Presentment (Ireland), Com. (83) 912
Cracow, Occupation of, Address moved, (88) 836
Distress (Ireland), (85) 699
Education in Wales, Address moved, (84) 866
Education, National and Agricultural (Ireland), (84) 1275
Landlord and Tenant (Ireland), Com. (87) 293
Legal Education (Ireland), (85) 677
Polish Nuns, The, (84) 679
Protection of Life (Ireland), 1R. (85) 1131
Roman Catholic Relief, 2R. (84) 953; Com. (87) 925, 931
Tea, Duty on, Correspondence moved for, (85) 967
Waste Lands (Ireland), Leave, (85) 1209

York and London Railway,
l. Petition (Marquess of Clanricarde), (84) 1272

Yorke, Hon. E. T., *Cambridgeshire*
Corn Importation, 2R. Amend. (84) 1440; (86) 726
Corn Law, The New, Error in, Com. moved for, (88) 736
Protection of Life (Ireland), 2R. (87) 193

Yorke, Mr. H. G. R., *York City*
Arms (Ireland), 2R. (88) 581
Business of the Session, (87) 195
Commercial Policy—Cattle, (84) 1156
Fees in Courts of Law and Equity, Com. moved for, (86) 210
Mason, Joseph, Case of, (84) 1274
Religious Opinions Relief, Com. *cl.* 3; (88) 634
Smith, Mr. W. S.—Refusal to serve on a Committee, (85) 1292

Young, Mr. J., *Cavan Co.*
Business of the House, (85) 136, 138, 139, 141

END OF VOLUME LXXXVIII, AND OF SESSION 1846.

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